



Report Committee of Adjustment

Filing Date: March 11, 2022
Hearing Date: August 23, 2022

File: A-2022-0046

**Owner/
Applicant:** MOHAMMAD FAISCAL MOLEDINA AND SAMIARA FAISAL MOLEDINA

Address: 38 Ambiance Court

Ward: Ward 4

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0046 is supportable in part, subject to the following conditions being imposed:

1. That Variance 2 to permit a driveway width of 8.2m (26.90 ft.) be refused;
 2. That the extent of the variance 1 be limited to that shown on the sketch attached to the Notice of Decision;
 3. That the applicant submit a building elevation plan depicting a revised roof design for the covered porch. The plan shall be approved to the satisfaction of the Director of Development Services;
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The Minor Variance application was first heard at the May 10th, 2022 Committee of Adjustment hearing where the Committee deferred the application in order for the applicant to revise their proposal. The applicant has made changes to the proposal by removing a proposed second storey balcony to the existing structure. The applicant has also reduced the size of the structure and the new dimensions are reflected in the revised variance and plan. Staff have met with the applicant to discuss options that would result in a small massing of the structure. Through the recommended conditions of approval, the applicant will be required to submit building elevation drawings that depict a revised roof structure.

The construction of the structure has begun prior to necessary building permits being obtained (Appendix A). Upon site visit an additional variance was identified to permit the existing width of the

driveway. Variances are requested to permit setback reductions associated with the covered porch and an existing driveway that was widened.

Existing Zoning:

The property is zoned 'Residential Single Detached F (R1F-12.4-2101)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a covered porch to encroach 4.4m (14.44 ft.) into the required rear yard resulting in a rear yard setback of 3.1m (10.17 ft.) whereas the by-law permits a maximum covered porch encroachment of 1.8m (5.91 ft.) resulting in a rear yard setback of 5.7m (18.70 ft.);
2. To permit a driveway width of 8.2m (26.90 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The first variance is requested to permit a covered porch to encroach 4.4m (14.44 ft.) into the required rear yard resulting in a rear yard setback of 3.1m (10.17 ft.) whereas the by-law permits a maximum covered porch encroachment of 1.8m (5.91 ft.) resulting in a rear yard setback of 5.7m (18.70 ft.). The intent of the by-law in regulating the maximum encroachment for deck and covered porches and minimum rear yard setback is to ensure that the size of the balcony is appropriate relative to the dwelling. Sufficient distance should be maintained between structures and dwellings, and the massing of the balcony addition should not impose upon the adjacent property. Furthermore, it is also enforced to ensure that sufficient space area is provided for the rear yard amenity area and that the structure does not generate additional privacy concerns by facilitating overlook onto adjacent properties.

The owners have constructed a covered porch structure without obtaining necessary building permits. The Minor Variance application was originally submitted to request the construction of a second storey balcony addition above the existing covered porch structure. The balcony portion of the structure is no longer being proposed as part of the application. The revised structure requires a resulting setback reduction of 2.6m (8.5 ft.) from what the by-law permits. In order to limit and reduce the massing of the existing structure, staff recommend that the applicant propose alterations to the roof portion of the structure. As such a condition of approval is recommended that the applicant submit a building elevation plan depicting a revised roof design for the covered porch. The plan shall be approved to the satisfaction of the Director of Development Services. The condition will ensure that the size and massing of the roof

structure be reduced. The revised structure is not anticipated to generate negative impacts on-site or off-site. Subject to the recommended condition of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit a driveway width of 8.2m (26.90 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling.

The total existing driveway width is approximately 1.49m (4.9 ft.) wider than what the by-law permits. The additional width is primarily attributable to concrete extending to the front and beyond the dwelling's main entrance. As a result, the driveway is considered to dominate the front yard and facilitate the parking of additional vehicles in the area leading up to the front of the dwelling, which is contrary to the intent of the by-law. Furthermore, there is a substantial loss of landscaped open space in the front yard of the property. Consequently, variance 2 is not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

A variance is requested to permit a covered porch structure to encroach into the required rear yard resulting in a rear yard setback reduction. The variance seeks to permit a modified covered porch which was constructed without building permits. Currently, the covered porch structure is one storey in height and occupies a significant portion of the properties' rear yard open space. The applicant has since revised plans to reduce the footprint of the structure and associated variance. A condition is recommended in order to further reduce the size of the roof structure which will minimize the scale and massing. The proposed changes will limit negative visual impacts on adjacent properties and render the variance desirable for the appropriate development of the land.

A second variance is requested to allow an existing driveway width which exceeds the requirements of the Zoning By-law. In this instance, the additional width can facilitate the parking of a vehicle directly in front of the dwelling's front porch and creates site conditions resulting in a substantial loss of open landscaped area. The variance is not considered desirable for the appropriate development of the land.

4. Minor in Nature

A variance is requested to facilitate the construction and modification to an existing covered porch at the rear of the dwelling that would encroach into the required rear yard resulting in a reduced rear yard setback. The existing one storey structure occupies a large footprint relative to the size of the rear yard. The variance will permit a smaller footprint compared to the existing size of the structure. Additionally, and through a condition of approval, the massing of the structure will be further reduced with changes to the roof to protect the visual character of the neighbourhood and views from adjacent properties. Subject to the recommended conditions of approval, the variance is not considered to be minor in nature.

The variance to allow an increase in driveway width contributes to a driveway area that can facilitate the parking of an additional vehicle in front of the dwellings main entrance porch. The widened driveway also reduces the amount of front yard open landscaped area. The requested variance is not considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner III

Appendix A

