



**Report
Committee of
Adjustment**

Filing Date: August 4, 2022
Hearing Date: October 4, 2022

File: A-2022-0248

**Owner/
Applicant:** JACK SZYDLOWSKI AND JOHANNA SZYDLOWSKI

Address: 6 Bird Avenue

Ward: 1

Contact: Noel Cubacub, Planner III

Recommendations:

That application A-2022-0248 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties shall not be adversely affected;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a roof encroachment of 6.04 metres (19.82 feet) into the rear yard resulting in a rear yard setback of 1.46 metres (4.79 feet) whereas the by-law permits a roof encroachment of 2 metres (6.56 feet) resulting in a rear yard setback of 5.5 metres (18.04 feet).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and "Medium Density" in the Downtown Brampton Secondary Plan (Area 7). The Residential designation supports the current use and the variance is not expected to have any significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general purpose and intent of the Official Plan.

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

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended.

The variance is requested to permit a roof encroachment of 6.04 metres (19.82 feet) into the rear yard resulting in a rear yard setback of 1.46 metres (4.79 feet) whereas the by-law permits a roof encroachment of 2 metres (6.56 feet) resulting in a rear yard setback of 5.5 metres (18.04 feet). The requested variance is intended to facilitate the construction of a new roofed staircase.

The intent of the by-law in regulating the maximum roof encroachment in the rear yard is to ensure that the dwelling and the roof do not dominate the rear yard amenity space. The current condition of the existing structure on the property has a smaller rear yard setback for the existing closed porch than what is being proposed through the variance for the new roofed staircase. This is because the property was grandfathered and constructed prior to the enactment of the zoning by-law. The rear yard, as it exists today, is not anticipated to be negatively impacted by way of the staircase addition or associated roof.

A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision in order to not further decrease the clear path of travel.

Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to facilitate the construction of a newly proposed roofed staircase. As previously mentioned, the existing closed porch has a smaller rear yard setback than what is being proposed through the variance for the new roofed staircase. Additionally, given the positioning of the dwelling on property the location of the roofed staircase is beneficial to the dwelling as it allows for a larger front yard amenity space which allows for more functional space.

Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance is not anticipated to negatively impact the subject property or adjacent properties. The proposed roof encroachment will not have a greater impact on the rear yard amenity space than the existing close porch and is not anticipated to negatively impact the completion of drainage on the subject property or adjacent properties.

Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Noel Cubacub', written in a cursive style.

Noel Cubacub
Planner III