



## Report Committee of Adjustment

**Filing Date:** September 23, 2022

**Hearing Date:** October 25, 2022

**File:** A-2022-0301

**Owner/**

**Applicant:** DUONG MINH TAM AND VO PHUONG HUE LINH

**Address:** 2 Albion Crescent

**Ward:** WARD 7

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2022-0301 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. The owner shall obtain a building permit for the existing sunroom addition within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
  3. That drainage on the adjacent properties shall not be adversely affected and that drainage from the existing porch and sunroom roofs shall flow onto the applicant's property;
  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:**

#### Existing Zoning:

The property is zoned 'Residential Semi-Detached A1 (R2A[1])', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.49 metres (1.61 feet) to a one storey addition whereas the by-law requires a minimum interior side yard setback of 1.8 metres (5.91 feet);
2. To permit an interior side yard setback of 0.49 metres (1.61 feet) to an open-roofed porch whereas the by-law permits a minimum interior side yard setback of 1.8 metres (5.91 feet);
3. To permit an existing exterior accessory structure (shed) in the exterior side yard whereas the by-law prohibits accessory structures in the exterior side yard.

**Current Situation:**

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

The property is designated as 'Residential' in the Official Plan and 'Low Density I' in the Springdale Secondary Plan (Area 2). The 'Residential' designation supports the current use and the variances are 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

Variance one is requested to permit an interior side yard setback of 0.49 metres (1.61 feet) to an existing one-storey addition whereas the by-law requires a minimum rear yard setback of 1.2 metres (3.2 feet). The variance is required to facilitate the location of an existing one storey addition at the rear of the dwelling. The intent of the by-law regulating the required interior side yard setback to a one storey addition is to ensure that sufficient distance is maintained between dwellings, that the massing of the one storey does not impose on the adjacent property, and is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The subject property is situated on a corner lot and based on the orientation of the dwelling, the interior side yard is not used as the primary access to the rear yard. The existing sunroom does not inhibit access to the rear yard, nor is it considered to create privacy concerns as the addition is only one-storey in height and faces a blank brick wall to the adjacent neighbouring dwelling. The scale of the addition is also considered appropriate and the relative to the size of the property. Furthermore, the requested setback reduction is not expected to negatively impact the adjacent properties as the rear yard is fenced and provides sufficient screening. Subject to the recommended conditions of approval, variances one is considered to maintain the general intent and purpose of the Zoning by-law.

The second variance is requested to permit an interior side yard setback of 0.49 metres (1.61 feet) to an open roofed porch whereas the by-law permits a minimum interior side yard setback of 1.8 metres (5.91 feet) is required. The variance is requested to facilitate the location of an existing open-roofed porch. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.



The existing setback reduction is not anticipated to impact drainage for the subject property or adjacent properties. Subject to the recommended conditions of approval, variance two maintains the general intent and purposes of the Zoning By-law.

The third variance is to permit an accessory structure (existing shed) in the exterior side yard whereas the by-law prohibits accessory structures in the exterior side yard. The intent of this by-law is to regulate the location of accessory structures to ensure the appearance of the structures does not negatively impact the overall streetscape and community. The overall location and appearance of the structure is not considered to negatively impact the streetscape. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variances one and two are requested to permit the existing one storey addition and open-roofed porch. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. The proposed rear yard setback of 0.49 metres is 0.71 metres (2.3 feet) less than the required 1.2 metres (3.93 feet) provides sufficient access to the rear yard and is not anticipated to negatively impact drainage on the property. In regards to variance one, the existing addition is one-storey in height and faces the blank brick wall of the adjacent neighbouring property which is not anticipated to create privacy concerns. Further, the reduced setback is not considered to negatively impact the privacy of the adjacent properties as the existing one storey addition and the open roofed porch are located in the fenced rear yard which provides sufficient screening. Variances one and two are considered appropriately sized and located given the site context.

Variance three is requested to permit the location of an existing shed in the exterior side yard of the irregular shaped property. The shed is existing landscaping and the orientation of the shed in relation to the road will adequately screen the structure from the street.

Subject to the recommended approval conditions, the proposed variances are desirable for the appropriate development of the land.

### 4. Minor in Nature

The proposed variances are not anticipated to negatively impact the subject property or adjacent properties. The dwelling will continue to align with the character of the surrounding neighbourhood. The one storey addition, open-roofed porch do not present any sightline concerns; and the existing shed is appropriately located given the irregular configuration of the property. Subject to the recommended conditions of approval the requested variances are minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician