



Report Committee of Adjustment

Filing Date: November 8, 2022
Hearing Date: December 6, 2022

File: A-2022-0363

**Owner/
Applicant:** SANJANA PATIL AND SACHIN PATIL
Address: 10 Howland Crescent

Ward: WARD 6

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2022-0363 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 the owner shall obtain a building permit for the existing rear yard addition and rear yard deck within sixty (60) days of the final date of the Committee's decision, or as extended at the discretion of the Chief Building Official;
 3. 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 Single Detached B – Special Section 2732 (R1B-2732)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 3.14m (10.30 ft.) to a building addition whereas the by-law requires a minimum rear yard setback of 6.0m (19.68 ft.) provided the area of the rear yard is at least 25% of the minimum required lot area;

2. To permit a rear yard setback of 1.54m (8.05 ft.) to an as-built deck whereas the by-law requires a minimum rear yard setback of 3.0m (9.8 ft.);
3. To permit a maximum height of 2.0m (6.56 ft.) for a fence/privacy screen on the deck whereas the by-law permits a maximum height of 1.8m (5.91 ft.).

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/Medium Density' in the Bram West Secondary Plan (Area 40c). The nature and extent of the proposed variances, subject to the recommended conditions, maintain the general purpose and intent of the Official Plan.

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

Variance 1 is requested to permit a rear yard setback of 3.14m (10.30 ft.) to a building addition whereas the by-law requires a minimum rear yard setback of 6.0m (19.68 ft.) provided the area of the rear yard is at least 25% of the minimum required lot area. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property.

The variance relates to an addition that was constructed above an existing deck. The remaining rear yard setback of 2.86 metres (8.38 feet) and rear yard space provides sufficient area for outdoor activities. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit a reduced rear yard setback of 1.54 metres (5.05 feet) to an as-built deck whereas a minimum rear yard setback of 3.0 metres (9.84 feet) is required. The intent of the by-law in requiring minimum setbacks for decks is to ensure sufficient space is provided for drainage.

The existing deck is constructed at the height of the dwellings' main floor. The rear yard setback reduction of 1.46 metres (4.79 feet) is not considered to impact drainage on the subject property or the adjacent properties. Following a staff review of the application, the proposed addition in the rear is considered to positively contribute to the outdoor amenity area of the property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested to permit a maximum height of 2.0m (6.56 ft.) for a fence/privacy screen on the deck whereas the by-law permits a maximum height of 1.8m (5.91 ft.) the intent of the by-law in regulating fence heights of residential properties is to ensure that fences do not create adverse impacts (i.e obstructing views or impeding sunlight) on surrounding properties.

The requested variance is to permit a fence/privacy screen on the deck to be 0.2 metres (0.65 feet) higher than what the by-law permits. The privacy screen limited to the eastern portion of the deck, is not anticipated to create negative visual impacts to the subject property or adjacent properties with

respect to obstruction of views or shadowing. Subject to the recommended conditions of approval, variance 3 is considered to maintain the general intent of the Zoning by-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to bring existing site conditions into conformity with the Zoning By-law requirements. The existing conditions of the as-built deck are not considered to pose significant impact with respect to drainage on the property or adjacent properties and does not limit the provision of outdoor space. A condition of approval is recommended that the owner shall obtain a building permit for the existing rear yard addition and rear yard deck within sixty (60) days of the final date of the Committee's decision, or as extended at the discretion of the Chief Building Official. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

The requested variance to permit a maximum height of 2.0m (6.56 ft.) for a fence/privacy screen on the deck is not anticipated to create any negative on or off site adverse impacts. Subject to the recommended condition of approval, variance 3 is considered desirable for the appropriate development of the land.

4. Minor in Nature

The variances to allow for the fence/privacy screen height, proposed building addition and deck in the rear yard are not anticipated to have any negative impacts on the property or the adjacent properties and are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician