



Report Committee of Adjustment

Filing Date: January 5th, 2023
Hearing Date: February 14th 2023

File: A-2023-0002
**Owner/
Applicant:** MICHAEL PINHEIRO AND MARIA PINHEIRO

Address: 2207 Embleton Road

Ward: WARD 6

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0002 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; and
 2. 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 Hamlet One (RHM1)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 3.53m (11.58 ft), whereas the by-law requires a minimum of 12m (40 ft) of front yard depth;
2. To permit an interior side yard setback of 1.85m (6.07 ft), whereas the by-law requires a minimum 7.5m (24.60 ft) of interior side yard depth.

3. To permit a garage door opening to be 4.86m (15.94 ft) from the front lot line, whereas the by-law requires a minimum of 6.0m (19.68 ft) from the front lot line; and

Current Situation:

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

The property is designated 'Open Space' in the Official Plan and is further designated 'Valley Land' in the Bram West Secondary Plan (Area 40d). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit a front yard setback of 3.53m (11.58 ft), whereas the by-law requires a minimum of 12m (40 ft) of front yard depth. Variance 3 is requested to permit a garage door opening to be 4.86m (15.94 ft) from the front lot line, whereas the by-law requires a minimum of 6.0m (19.70 ft) from the front lot line. The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area. Through development engineering and traffic staff review of the proposed development, staff confirmed that they have no concerns regarding drainage or access, as both a 3.53m front yard depth and a 4.86m setback from the garage door opening to the front lot line are maintained. Subject to the recommended conditions of approval, Variances 1 and 3 maintain the general intent and purpose of the zoning by-law.

Variance 2 is requested to permit an interior side yard setback of 1.85m (6.07 ft), whereas the by-law requires a minimum 7.5m (24.60 ft) of interior side yard depth. 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. Staff finds that despite the proposed reduced setbacks, the general intent of the by-law in providing a separation distance to an abutting property is maintained, as a 1.85m setback will provide adequate room for residents to access the rear yard through a continuous path of travel without encroaching on the neighboring property. Moreover, City engineering staff confirmed that the setback will provide adequate drainage along the interior of the property. Subject to the recommended conditions of approval, Variance 2 maintains the general intent and purpose of the zoning by-law.

3. Desirable for the Appropriate Development of the Land

Variances 1, 2, and 3 are requested to allow for setbacks that exceed the requirements of the Zoning By-Law. While full setback requirements of the Zoning By-law are not maintained, sufficient area for both parking and landscaping are provided. Furthermore, through development engineering staff review of the proposed development, staff confirmed that they have no concerns with respect to site drainage. Access to the rear yard is maintained by providing an unobstructed path of travel along the interior side yard. Subject to the recommended conditions of approval, the variance is appropriate for the development of the land.

4. Minor in Nature

The subject property contains sufficient screening through existing trees and landscaping located along all property lines, the proposed site conditions are adequately screen and do not contribute to any negative impact on surrounding neighbors. Furthermore, the proposed reduced front yard and interior side yard setbacks are not considered to impact access to the rear yard or drainage on adjacent properties, Subject to the recommended conditions of approval, the Variances 1, 2, and 3 are considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner