



Report Committee of Adjustment

Filing Date: January 10th, 2023
Hearing Date: February 14th 2023

File: A-2023-0009
**Owner/
Applicant:** WOJCICKI LESZEK

Address: 45 Juniper Crescent

Ward: WARD 8

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0009 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 within 60 days of the decision of approval; and
 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 Semi-Detached Special Section 100 (R2A(1)-100), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit a 0.76m (2.50 ft) interior side yard setback to an as-built carport, whereas the by-law requires a minimum 1.2m (3.94 ft) interior side yard setback to an attached carport.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and is further designated 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). 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

The variance is requested to permit a 0.76m (2.50 ft) interior side yard setback to an as-built carport, whereas the by-law requires a minimum 1.2m (3.94 ft) interior side yard setback to an attached carport. The intent of the by-law in requiring a minimum interior side yard setback to an accessory structure is to ensure that sufficient space is provided to allow for drainage and access to the rear yard. Staff finds that the 0.44m (1.44 ft) reduction in the interior side yard setback does not have any negative impacts on drainage, as adequate permeable landscaping is maintained on the subject property. Moreover, during staff visit to the site it was determined that a sufficient path of travel to access to the rear yard is maintained within the carport area (see Appendix A). Subject to the conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to allow for setbacks that exceed the requirements of the Zoning By-Law. Staff are of the opinion that sufficient area for landscaping is provided to allow for proper drainage along the property line. As per Appendix A, staff conducted a site visit and were satisfied with the screening provided to the carport, allowing the use to function without any negative impact on street scape or abutting properties.

Subject to the recommended conditions of approval, the variance is appropriate for the development of the land.

4. Minor in Nature

The reduced interior side yard setback is not considered to impact access to the rear yard or drainage on adjacent properties, as adequate permeable landscaping and a sufficient path of travel to access the rear yard is maintained on the subject property. The carport is screened in a manner that reduces its impact on the street scape and neighboring properties. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A:

