



## Report Committee of Adjustment

**Filing Date:** January 26<sup>th</sup>, 2023

**Hearing Date:** March 7<sup>th</sup>, 2023

**File:** A-2023-0026

**Owner/  
Applicant:** NIRMALA & SHRUTI PRAKASH

**Address:** 37 MAROTTA AVENUE

**Ward:** WARD 6

**Contact:** Samantha Dela Pena, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0021 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the proposed open roof porch remains open and not enclosed, as shown on the rendering sketch provided by the applicant in Appendix A;
  3. That the owner shall obtain a building permit within 60 days of the decision of approval; and
  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:**

The following minor variance application is seeking to permit proposed site conditions for a reduction to the required minimum rear yard setback to an open roof porch. Currently, the site contains an existing open roof porch in the rear yard (see Appendix B). In speaking with the applicant, it was confirmed that the existing open roof porch will be demolished, and a new open roof porch with reduced rear yard setbacks will be constructed, as per the concept plan provided by the applicant.

### Existing Zoning:

The property is zoned 'Residential Single Detached C Special Section 900 (R1C-900)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a 2.7m (8.86ft) encroachment into a rear yard resulting in a 3.3m (10.83ft) setback to an open roof porch, whereas the by-law permits a 2.0m (6.56ft) encroachment with a minimum 4.0m (13.12ft) setback to the rear yard.

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and further designated 'Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44). 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 requested variance is seeking to permit a 2.7m (8.86ft) encroachment into a rear yard resulting in a 3.3m (10.83ft) setback to an open roof porch, whereas the by-law permits a 2.0m (6.56ft) encroachment with a minimum 4.0m (13.12ft) setback to the rear yard. The intent of the by-law in requiring a minimum encroachment into a rear yard and a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property.

As per a site visit conducted by Staff, it was determined that a setback area of 3.3m (10.83ft) is sufficient for the rear yard amenity area for the property (see Appendix B). Furthermore, staff are of the opinion that the proposed open roof porch will still contribute and function as an outdoor amenity space for the homeowners. A condition of approval is recommended that the proposed open roof porch remains open and not enclosed, as shown on the rendering sketch provided by the applicant in Appendix A, and that the owner shall obtain a building permit within 60 days of the decision of approval. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit proposed site conditions for an encroachment into a rear yard resulting in a reduction to the required minimum rear yard setbacks to an open roof porch. While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied that an unobstructed and sufficient rear yard amenity area for property are maintained. Furthermore, as the property includes a wooden fence located along the rear yard property line, both the open roof porch and reduced rear yard amenity area is screened in a manner that does not negatively impact neighboring adjacent properties (see Appendix B). Moreover, the subject property is a corner lot located along the intersection of Marotta Avenue and Chinguacousy Road. As there are currently street trees and

landscaping located along property line abutting Chinguacousy Road, the proposed open roof porch is screened in a manner that does not negatively affect the overall streetscape.

A condition of approval is recommended that the proposed open roof porch remains open and not enclosed, as shown on the rendering sketch provided by the applicant in Appendix A, and that the owner shall obtain a building permit within 60 days of the decision of approval. Subject to the recommended conditions of approval, the requested variance is considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variance to permit proposed site conditions for reduced encroachment into a rear yard and minimum rear yard setbacks to an open roof porch is considered by staff to both maintain sufficient amenity area in the rear yard and have no negative impact adjacent properties.

Furthermore, as there are currently street trees and landscaping located along property line abutting Chinguacousy Road, the proposed open roof porch is screened in a manner that minimizes overall visual impact to the streetscape. As such, the requested variance is deemed minor in nature.

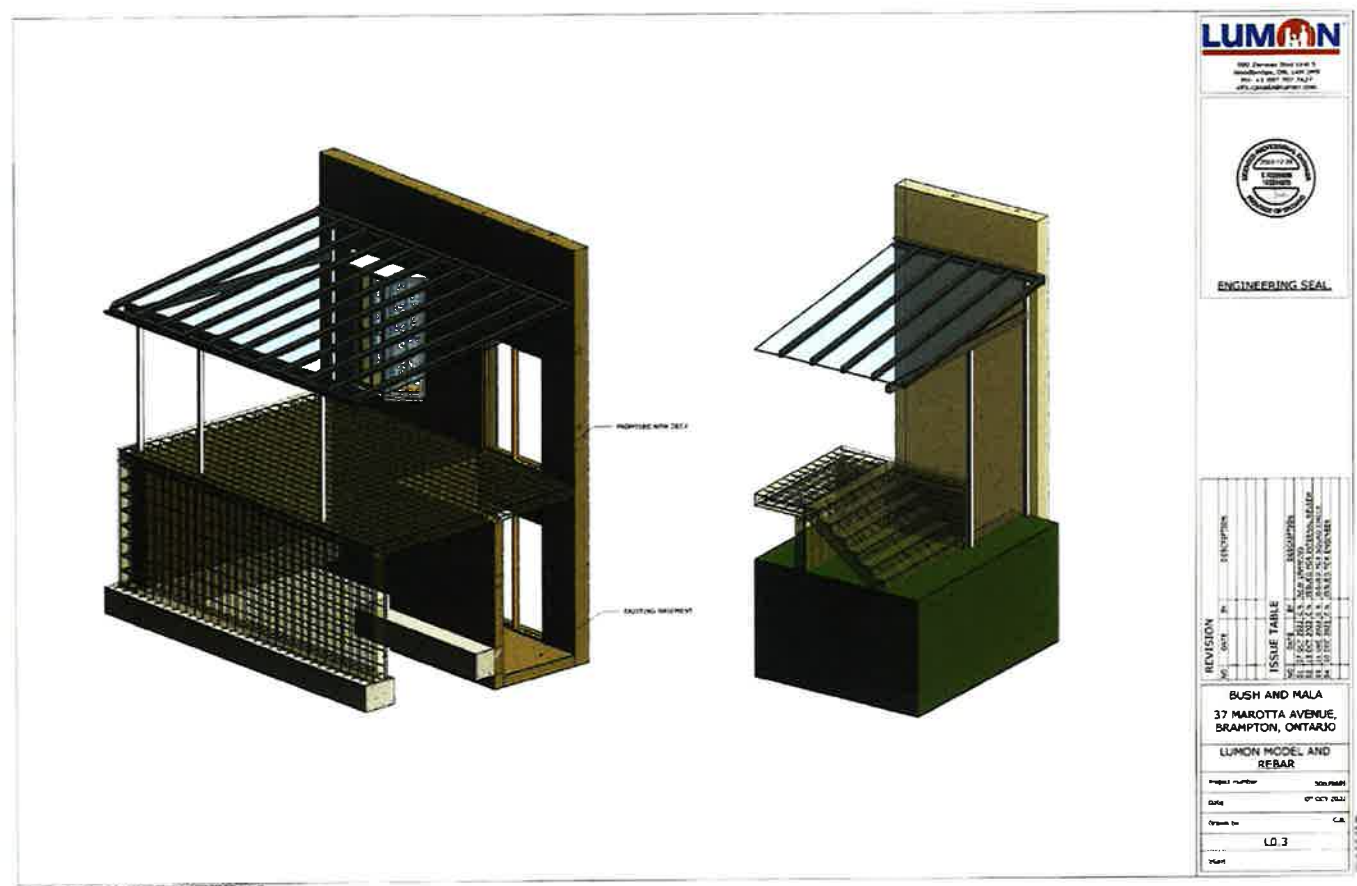
A condition of approval is recommended that the proposed open roof porch remains open and not enclosed, as shown on the rendering sketch provided by the applicant in Appendix A, and that the owner shall obtain a building permit within 60 days of the decision of approval. Subject to the recommended conditions of approval, the variance requested is considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Proposed Open Roof Porch Rendering:



**Appendix B – Site Visit Photos:**

