



Report Committee of Adjustment

Filing Date: April 11, 2023

Hearing Date: May 9, 2023

File: A-2023-0094

**Owner/
Applicant:**

Vitalino Perez / Escala Design Inc. (Nelson Espinola)

Address: 30 Manderley Place

Ward: WARD 7

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0094 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. The owner shall obtain a building permit for the existing garage addition located in the side yard within 60 days of the final date of the Committee's decision or within an extended period of time at the discretion of the Chief Building Official;
 3. That no commercial or industrial uses shall operate from the garage;
 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 construction of the side yard garage addition has been started without a building permit, a condition has been included for the Owner/Applicant to obtain a building permit for the existing structure.

The Owner is requesting a variance to permit the location of a proposed one storey attached garage. The variance is sought to allow a reduction to the interior side yard related to the proposed garage. The proposed garage maintains all other requirements as set out in the Zoning By-law.

Existing Zoning:

The property is zoned 'Residential Semi-Detached A(1) – Special Section 100 (R2A[1] – 100)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To provide a 0.609m (2.00 ft.) side yard setback to a proposed one storey attached garage whereas the By-law requires a minimum side yard setback of 1.2m (3.94 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 Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 provide a 0.609m (2.00 ft.) side yard setback to a proposed one storey attached garage whereas the By-law requires a minimum side yard setback of 1.2m (3.94 ft.). The intent of the By-law in requiring a minimum interior side yard setback is to ensure that there is adequate room available for drainage and that access to the rear yard is not obstructed.

The applicant is proposing to construct a proposed one storey attached garage along the east wall of a semi-detached property. The proposed side yard setback of 0.609m (2.00 ft.) would apply to only a portion of the side yard as the lot is irregularly shaped creating a pinch point between the projected roof of the proposed attached garage and the side lot line. The proposed attached garage is designed in a manner that is not considered to impact drainage as the roof is proposed to be sloped to the front or obstruct access to the rear yard. The privacy for the neighbouring properties will not be significantly impacted as the proposed attached garage will not be a significant change from the existing site conditions as generated by the existing garage addition. Additionally, the garage will not be used for residential uses, but will be used as storage and/or parking of cars. Furthermore no additional variances have been requested regarding lot coverage or height of the proposed attached garage, limiting the impacts to abutting properties. Subject to the recommend 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

The variance as it relates to the side yard setback is not anticipated to result in any negative impacts to the property or the neighbouring properties. Despite the reduced setback, the proposed attached garage is not considered to impact access to the rear yard as sufficient space is maintained for access or present concerns regarding drainage as the applicant is proposing a sloped roof design which is not anticipated to generate significant on-site or off-site impacts. The proposed one storey attached garage

is not considered to be excessive and is scaled appropriately to respect the character of the surrounding neighbourhood, the attached garage is proposed along the east side of the dwelling and will have minimal impact on the streetscape and surrounding area as it is similar in to existing site conditions. The requested variance for the proposed attached garage is consistent with the character and scale of the dwellings in the surrounding neighbourhood. A condition of approval is recommended that no commercial or industrial uses shall operate from the garage. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit reduced side yard setback to a proposed one storey attached garage to the northeast side of the dwelling. The requested variance proposes a 0.591m (1.94 ft.) reduction along a portion of the eastern wall from what the by-law permits. The proposed one storey attached garage is not anticipated to generate additional impacts on the neighbouring properties nor on the subject property with respect drainage or access to the rear yard. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix 1 – Site Visit Photo

