



Report Committee of Adjustment

Filing Date: May 1, 2023
Hearing Date: May 30, 2023

File: A-2023-0120

**Owner/
Applicant:** MARK GREG SAMAROO AND CINTRA SAMAROO

Address: 30 Meltwater Crescent

Ward: WARD 10

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0120 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 existing open roof porch remain open and not enclosed;
 3. That the applicant obtain a building permit for the deck 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; 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:

Existing Zoning:

The property is zoned 'Residential Single Detached F', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard encroachment of 3.58 metres (11.75 ft.) resulting in a rear yard setback of 3.92 metres (12.56 ft.) to an existing deck whereas the by-law permits a maximum rear yard encroachment of 3.0 metres (9.84 ft.), resulting in a rear yard setback of 4.5 metres (14.76 ft.) to the proposed deck; and
2. To permit a rear yard encroachment of 3.86 metres (12.66 ft.) for an unenclosed roof over a deck resulting in a rear yard setback of 3.64 metres (11.94 ft.) whereas the by-law permits a maximum rear yard encroachment of 2.0 metres (6.5 ft.), resulting in a rear yard setback of 5.5 metres (18.20ft).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/ Medium Density Residential' in the Bram East Secondary Plan (Area 41). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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 rear yard encroachment of 3.58 metres resulting in a rear yard setback of 3.92 metres, whereas the by-law permits a rear yard encroachment of 3.0 metres resulting in a rear yard setback of 4.5 metres. An additional variance was requested as the deck will have an overhanging roof of 3.86 metres whereas the maximum encroachment for an unenclosed framework roof is 2.0 metres over a rear yard deck. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the amenity area in the rear of the property and to ensure sufficient space is provided for drainage. Additionally, this rear yard setback requirement is put into place to minimize privacy concerns on adjacent properties. A condition of approval is recommended that the open roof porch remains and it is not enclosed, as shown on the renderings that were provided by the applicant.

The applicant is proposing to construct a 55.28 sq. m (599.33 sq. ft.) elevated deck at the rear of the dwelling. The deck can be utilized as a form of passive recreational area which adds to the property's rear yard amenity space. As such, the proposed deck is not anticipated to negatively impact the rear yard amenity area for the property. Furthermore, the massing of the proposed structure is not anticipated to pose negative visual impacts on adjacent properties. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are associated with an existing deck and overhanging roof that are under construction which encroach into the required rear yard. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property nor will it cause privacy concerns for adjacent property's backyards. As the space is surrounded by a wooden fence located along the rear yard property line, the deck is screened in a manner that does not negatively impact neighbouring properties. Subject to the conditions of approval, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit a reduced rear yard setback for an existing deck and overhanging roof are considered by staff to maintain adequate recreational area in and have no negative impact on abutting lots. As the deck is existing, a condition has been included in the report, citing that a building permit should be obtained within 60 days of the Committee's decision. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the setback is consistent with what is presented in this application and that the deck is not enclosed. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

