



Report Committee of Adjustment

Filing Date: May 24, 2023
Hearing Date: June 20, 2022

File: A-2023-0162

**Owner/
Applicant:** SHAHID RAKSHANDA

Address: 36 Bonnie Braes Drive

Ward: WARD 4

Contact: Simran Sandhu, Planner I

Recommendations:

That application A-2023-0162 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 drainage from the accessory structure shall be directed onto the subject property and drainage not impact adjacent properties;
 3. The owner shall obtain a building permit for the open-roofed structure and deck within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached E (RE2-2107)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing open-roofed porch to encroach 7.0m (22.97 ft) into the required rear yard, resulting in a rear yard setback of 0.5m (1.64 ft) whereas the by-law permits a maximum encroachment of 2.0m for an open-roof porch, resulting in a rear yard setback of 5.5m (18.04 ft);
2. To permit an interior side yard setback of 0.5m (1.64 ft) to an existing open-roofed porch whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft);
3. To permit a rear yard encroachment of 6.89m (22.60 ft) resulting in a rear yard setback of 0.61m (2 ft) to an existing deck whereas the by-law permits a maximum rear yard encroachment of 1.8m (5.91 ft) resulting in a rear yard setback of 5.7m (18.70 ft) to the existing deck;
4. To permit an interior side yard setback of 0.33m (10.8 ft) to an existing deck whereas the by-law requires a minimum interior 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 'Residential' in the Official Plan and 'Low Density Residential 2' in the Credit Valley Secondary Plan (Area 45a). The nature and extent of the proposed 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 first variance is requested to permit an existing open-roofed porch to encroach 7.0m (22.97 ft) into the required rear yard, resulting in a rear yard setback of 0.5m (1.64 ft) whereas the by-law permits a maximum encroachment of 2.0m for an open-roof porch, resulting in a rear yard setback of 5.5m (18.04 ft). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property.

The second variance is requested to permit an interior side yard setback of 0.5m (1.64 ft) to an existing open-roofed porch whereas the by-law requires a minimum interior 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 sufficient space is maintained for drainage and access to the rear yard.

The third variance is to permit a rear yard encroachment of 6.89m (22.60 ft) resulting in a rear yard setback of 0.61m (2 ft) to an existing deck whereas the by-law permits a maximum rear yard encroachment of 1.8m (5.91 ft) resulting in a rear yard setback of 5.7m (18.70 ft) to the existing deck. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property.

The fourth variance is to permit an interior side yard setback of 0.33m (10.8 ft) to an existing deck whereas the by-law requires a minimum interior 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 sufficient space is maintained for drainage and access to the rear yard.

The variances are related to an existing open-roofed structure and existing deck located in the rear yard which was constructed without a building permit. The open-roofed structure is one-storey in height and the extent of the structure results in a 5m rear yard setback reduction and a 0.7m interior side yard setback reduction from what the by-law permits. The existing deck results in a 5.09m rear yard setback reduction and a 0.87m interior side yard setback reduction. Given the size of the rear yard, the location of the open-roofed structure and deck is not considered to limit the amenity area in the rear or restrict access to the rear yard. The existing house is a single detached dwelling and only has access to the rear yard on one side. The open-roofed structure is located on the opposite side of the path of travel to the rear yard and there are stairs leading to the existing deck. Subject to the recommend conditions of approval, variances 1-4 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to allow the existing site conditions relating to an open-roofed structure and deck in the rear yard of the residential property. The subject property is a corner lot with a single-detached dwelling with a large rear yard. The overall size and location of the accessory structures are not anticipated to cause negative visual impacts or contribute to a significant loss of outdoor amenity space. Although setback reductions are requested, the remaining area between structures and property lines is not anticipated to impact drainage or access. Staff do not anticipate negative impacts on-site or off-site. It is advised that the owner obtain a building permit for the open-roofed structure and deck. The variances are considered desirable for the appropriate development of land.

4. Minor in Nature

The subject property is located within an established residential area of the City with medium sized rear yards. Considering the size of the property, the existing open-roofed structure and deck are not anticipated to detract from access to outdoor amenities or create adverse impacts on-site or off-site. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,



Simran Sandhu, Planner I

Appendix A: Site Visit Photos



