



Report Committee of Adjustment

Filing Date: June 6, 2023

Hearing Date: July 11, 2023

File: A-2023-0182

**Owner/
Applicant:** Shamwatty Deonarain and Kishore Deonarian

Address: 15 Villagewood Street

Ward: 8

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0182 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 drainage from the unenclosed roof structure shall be directed onto the subject property and drainage not impact adjacent properties;
 3. That the proposed unenclosed roof structure shall be of an open style construction and remain unenclosed;
 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 C – Special Section 1801 (R1C-1801)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an unenclosed roof structure attached to the main wall of a dwelling to encroach 4.35m (14.76 ft) into a required rear yard, resulting in a rear yard setback of 1.65m (5.41 ft) whereas the by-law permits an unenclosed roof structure to encroach a maximum of 2.0m (6.56 ft) into a required rear yard, resulting in a minimum rear yard setback of 4.0m (13.12 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/Medium Density' in the Bram East Secondary Plan (Area 41a). 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 first variance is requested to permit a proposed unenclosed roof structure attached to the main wall of a dwelling to encroach 4.35m (14.76 ft) into a required rear yard, resulting in a rear yard setback of 1.65m (5.41 ft) whereas the by-law permits an unenclosed roof structure to encroach a maximum of 2.0m (6.56 ft) into a required rear yard, resulting in a minimum rear yard setback of 4.0m (13.12 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 variance is related to a proposed unenclosed roof structure located in the rear yard. Given the immediate surrounding area, the increased roof encroachment is not anticipated to adversely impact the lands immediately abutting the rear yard. The proposed structure meets all other zoning performance standards such as the height and interior side yard setback requirements outlined in the R1C Special Section 1801 of the zoning by-law and is not considered to create any massing issues due to the open design of the structure. Furthermore, the proposed structure is not considered to negatively impact the provision of the rear yard amenity space as sufficient amenity area is provided in the rear yard. 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 applicant is requesting a variance to permit a reduced setback in relation to a proposed unenclosed roof structure attached to the main wall of a dwelling in the rear yard of the residential property. The overall size and location of the accessory structure are not anticipated to cause negative visual impacts or contribute to a significant loss of outdoor amenity space. The proposed unenclosed roof structure will encroach 2.35m (7.70 ft.) greater than the by-law permits. Although setback reductions are requested, the remaining area between structure and property lines is not anticipated to impact drainage or access. Staff do not anticipate negative impacts on-site or off-site. A condition of approval is recommended that the proposed unenclosed roof structure attached to the main wall of the dwelling in the rear yard remain of a primarily open style construction and shall not be fully enclosed. The variance is 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 proposed structure is not anticipated to detract from the provision of outdoor amenity space or create adverse impacts on-site or off-site. Massing impacts to surrounding properties are also mitigated as a result of the unenclosed design of the roof structure which further enhance the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos

