



Report Committee of Adjustment

Filing Date: June 2, 2023

Hearing Date: July 11, 2023

File: A-2023-0179

**Owner/
Applicant:** RAVKIRAN KAUR SANDHU & RAVNEET KAUR SANDHU

Address: 160 Prairie Rose Circle

Ward: WARD 9

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0179 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 on adjacent properties shall not be adversely affected and that drainage from the proposed roof must flow onto the applicant's property;
 3. That the existing open roof porch remain open and not enclosed; 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 D – Special Section 692 (R1D-692)', 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 3.0m (9.84 ft) into a required rear yard, resulting in a rear yard setback of 4.5m (14.77 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 5.5m (18 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 1 Residential' in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variance is 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 an open roof structure which will be attached to the main wall of a dwelling to encroach 3.0 metres into a rear yard, resulting in a rear yard setback of 4.5 metres. The by-law permits an unenclosed structure to encroach a maximum of 2.0 metres into a required rear yard resulting in a minimum setback of 5.5 metres. 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 unenclosed, as shown on the renderings that were provided by the applicant.

The applicant is proposing to construct a deck that will be approximately 29.52 square metres (317.75 square feet) at the rear of the house. The new addition can be utilized as a form of passive recreational area which adds to the property's rear yard amenity space. As such, the deck is not anticipated to negatively impact the rear yard amenity area for the property given the size of the rear yard. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is associated with the addition of an open roof structure above a deck in the rear of the home. 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 addition is set back from the property line by over 4 metres, staff do not anticipate concerns regarding the visual massing of the structure. Subject to the conditions of approval, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to permit an open roof structure that would encroach into the rear yard by 3.0 metres is not anticipated to negatively impact the amenity area for the property as an adequate amount will remain and the structure will enhance the existing amenity space. 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. 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:

