



## Report Committee of Adjustment

**Filing Date:** September 11, 2023  
**Hearing Date:** October 3, 2023  
**File:** A-2023-0281  
**Owner/  
Applicant:** Kin Ming Yau  
**Address:** 13 Golden Gate Drive  
**Ward:** WARD 8  
**Contact:** Charles Ng, Planner I

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### Recommendations:

That application A-2023-0281 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 owner shall obtain building permits for the existing structure within 60 days of the decision of approval, or as extended at the discretion of the Chief Building Official;
  3. 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 applicant has submitted a Minor Variance Application to permit a roof structure encroachment into the rear yard and to seek relief from lot coverage requirements.

### Existing Zoning:

The subject property is zoned 'Residential Townhouse A(4)' with Special Section '128' (R3A(4)-128) according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To vary Schedule “C”, Section 128 of the by-law to permit a 4.27 metre roof structure encroachment over an existing landscape deck into the required rear yard, whereas the by-law permits a 2 metre roof structure encroachment into the required building footprint outline on Section C – Section 128.
2. To permit a lot coverage of 26.6%, whereas the by-law permits a maximum lot coverage of 25%.

### **Current Situation:**

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

The subject property is designated ‘Residential’ in the Official Plan, and further designated ‘Medium Density Residential’ in the Bramalea Secondary Plan (Area 3). The ‘Residential’ designation in the Official Plan permits residential uses as well as other complementary uses. The ‘Medium Density Residential’ designation in the Secondary Plan permits residential uses in accordance with the New Housing Mix and Density Category of Section 4.2.1.2 of the Official Plan. This includes single-detached, semi-detached and townhouse dwellings at a density rate of 50 units per net hectare (20 units per net acre).

The requested variances are intended to support an existing roof structure situated above an existing wood deck in the rear yard. The requested variances are not considered to have significant impacts within the context of the applicable planning policy framework.

Subject to the recommended conditions of approval, 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

Variance 1 is to vary Schedule “C”, Section 128 of the by-law to permit a 4.27 metre roof structure encroachment over an existing landscape deck into the required rear yard, whereas the by-law permits a 2 metre roof structure encroachment into the required building footprint outline on Section “C” – Section 128. The intent of the by-law in regulating a property via a Schedule “C” provision is to provide a visual representation of the building area on the property. This type of regulation is typically associated with older areas of the City. Schedule “C”s are no longer commonly used as they can be overly restrictive in regulating how development or building additions occurs on a site.

Variance 2 is to permit a lot coverage of 26.6%, whereas the by-law permits a maximum lot coverage of 25%. The intent of the By-law in regulating lot coverage is to ensure that the size, scale, and massing of buildings are in accordance with the intended planned function of the subject property, maintains the character of the area, and maintains an adequate amount of outdoor amenity space on the subject property.

The lot area of the subject property is 286.32 square metres (3,081.95 sq. ft.), and the area of the existing residential dwelling is 50.32 square metres, representing 17.57% lot coverage. The attached roof structure and deck located in the rear yard maintains an area of 26.01 square metres (280.00 sq. ft.), which represents an increase in lot coverage by 9.08%, for a total lot coverage of approximately 26.65%. With the addition of the roofed structure and deck, 47.7% of landscaped area on the subject property is maintained. Based on the availability of outdoor amenity space, as well as the location, size, scale and orientation of the roof structure and deck, the requested variance is not anticipated to significantly affect the subject property or adjacent properties. Furthermore, the requested variance is not anticipated to significantly detract from the intended planned function of the subject property or the neighbourhood.

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 subject property is located within an established low-density residential neighbourhood that is generally characterized by single-detached two-storey dwellings. The attached roof structure and deck is not anticipated to significantly impact the subject property, adjacent properties or the surrounding neighbourhood. An adequate amount of amenity space will be maintained within the subject property's rear yard and front yard. Furthermore, the requested variances are generally aligned with the Official Plan and Zoning By-law. A condition is recommended that the owner obtain a building permit for the attached roof structure and 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.

Subject to the recommended conditions of approval, the requested variances are considered desirable and appropriate development of the land.

### 4. Minor in Nature

The requested variances to permit an increase of the maximum permitted lot coverage by 1.6%, and to vary Schedule 'C' to permit the encroachment of a roof structure over an existing deck by 2.27 metres are considered minor in nature. The requested variances are not anticipated to significantly affect the subject property, adjacent properties, or the surrounding neighbourhood and is generally aligned with the Official Plan and Zoning By-law.

Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

*Charles Wai Ng*

Charles Ng, Planner I

Appendix A :

