



Report Committee of Adjustment

Filing Date: April 27, 2023

Hearing Date: May 30, 2023

File: A-2023-0116

**Owner/
Applicant:** NOOR FARIDI AND AMBREEN FARIDI

Address: 66 Malaspina Close

Ward: WARD 6

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0116 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; and
 2. 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 E-x- Special Section 2460 (R1E-13.6-2460)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a rear yard encroachment of 5.38 metres (17.65 ft.) resulting in a rear yard setback of 2.12 metres (6.96 ft.) to a proposed 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.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Executive Residential' in the Bram West Secondary Plan (Area 40d). 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 5.38 metres resulting in a rear yard setback of 2.2 metres, whereas the by-law permits a rear yard encroachment of 3.0 metres resulting in a rear yard setback of 4.5 metres. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the rear yard amenity area for the property and to ensure sufficient space is provided for drainage. Additionally, this rear yard setback requirement is put into place to minimize the massing of structures and overlook onto adjacent properties.

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. The proposed deck is also not anticipated to substantially impact adjacent properties with respect to the massing of the deck or potential overlook from what the by-law permits. 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 a proposed deck and is required to facilitate the construction of the structure. 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. No properties will be impacted to the rear of the house as the home abuts an open area, mitigating privacy concerns. 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 a reduced rear yard setback is not anticipated to negatively impact the amenity area for the property. 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:

