



## Report Committee of Adjustment

**Filing Date:** June 14, 2024

**Hearing Date:** July 16, 2024

**File:** A-2024-0231

**Owner/  
Applicant:** BIRENDER SINGH MARWAH

**Address:** 28 New Pines Trail

**Ward:** WARD 2

**Contact:** Rajvi Patel, Planner I

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### **Recommendations:**

That application A-2024-0231 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 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 Street Townhouse B (R3B-2189)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variance:

1. To permit a proposed deck to encroach 4.0 metres into the rear yard setback, resulting in a setback of 3.0 metres from the deck to the rear lot line, whereas the by-law permits a deck to encroach a maximum 3.0 metres into the rear yard setback, resulting in a required setback of 4.0 metres from the deck to the rear lot line.

### **Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Snelgrove-Heart Lake Secondary Plan (Area 1). As per the Regionally-Approved Brampton Plan the subject property is designated 'Community Areas' (Schedule 1A) and 'Neighbourhoods' (Schedule 2). The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and 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 subject property is currently zoned 'Residential Street Townhouse B,' Special Section 2189 (R3B-2189), according to By-law 270-2004, as amended.

The variance is requested to permit a proposed deck to encroach 4.0 metres into the rear yard setback, resulting in a setback of 3.0 metres from the deck to the rear lot line, whereas the By-law permits a deck to encroach a maximum 3.0 metres into the rear yard setback, resulting in a required setback of 4.0 metres from the deck to the rear lot line. The intent of the by-law in regulating rear yard encroachments and rear yard setbacks is to ensure that sufficient space is provided for the rear yard amenity area on the property and that neighbouring properties are not adversely impacted in terms of sightlines or privacy.

The subject property backs onto lands used as a golf course. Given that the property backs onto recreational lands, the increased deck encroachment is not anticipated to adversely impact the land abutting the rear yard. The existing deck meets all other zoning performance standards such as the interior side yard setback requirements outlined in R3B, Special Section 2189 of the Zoning By-law and is not considered to create any massing or privacy issues for surrounding properties. Furthermore, the proposed deck is not considered to negatively impact the provision of rear yard amenity space as it is constructed at the height of the dwelling's main floor and ample amenity area will be provided below the deck. 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 requested to permit a proposed deck encroaching in to the rear yard setback. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property nor will it unreasonably increase the ability to overlook into adjacent properties' backyards. The deck will be constructed above grade and does not detract from the provision of outdoor amenity area as space below the deck can be utilized. Moreover, the rear of the subject property does not back onto any residential properties as it abuts a golf course thereby limiting massing or overlook impacts to surrounding properties. Therefore, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance requested to permit a proposed deck encroaching into the rear yard setback is not anticipated to have any adverse impacts on adjacent properties or to the provision of outdoor amenity space. Privacy concerns are mitigated as the deck maintains interior side yard setback requirements to the neighbouring properties and abuts an open space area. The deck is not considered to have any negative impacts on the sufficient provision of outdoor 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,

*Rajvi Patel*

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

