

Filing Date: February 10, 2021

Hearing Date: March 9, 2021

File: A-2021-0028

Owner/

Applicant: BALDEV NAYYAR AND PHOOL NAYYAR

Address: 28 Blackwell Place

Ward: 3

Contact: Shelby Swinfield, Planner 1

Recommendations:

That application A-2021-0028 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; and
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached C - Special Section 2661 (R1C-2661)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 4.19m (13.75 ft.) to a proposed addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
2. To permit a deck to encroach a maximum of 4.31m (14.14 ft.) into the required rear yard resulting in a rear yard setback of 3.19m (10.44 ft.) whereas the by-law permits

a maximum deck encroachment of 3.0m (9.84 ft.) into the required rear yard, resulting in a rear yard setback of 4.5m (14.76 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' within the Official Plan and 'Low Density Residential' within the Fletcher's Creek South Secondary Plan (Area 24). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned 'Residential Single Detached C - Special Section 2661 (R1C-2661)', according to By-law 270-2004, as amended. The requested variances are intended to facilitate a proposed addition, with a deck, to the existing dwelling.

Variance 1 is to permit a rear yard setback of 4.19m (13.75 ft.) to a proposed addition whereas the by-law required a minimum rear yard setback of 7.5m (24.60 ft.). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient outdoor amenity space is provided on the property for the main dwelling. In the case of the subject property, there is still sufficient outdoor amenity space provided on the subject property outside of the area taken up by the addition. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit a deck to encroach a maximum of 4.31m (14.14 ft.) into the required rear yard resulting in a rear yard setback of 3.19m (10.44 ft.) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft.) into the required rear yard, resulting in a rear yard setback of 4.5m (14.76 ft.). The intent of the by-law in regulating permitted deck encroachment is to ensure that sufficient space is provided for drainage and soft landscaping in the rear yard of the property. The proposed encroachment is not anticipated to have negative impacts with regard to drainage and the size of the rear yard provides significant soft landscaped area outside of the addition and porch.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are required to facilitate an addition to the existing residential dwelling. Due to the size of the property, the reduced setback in the rear yard of the property and the proposed increased deck encroachment are not anticipated to negatively impact the outdoor amenity area provided on the property, and are considered to be appropriate relative to the size of the property. A condition of approval is recommended

that the extent of the variances be limited to that shown on the sketch attached to the decision to ensure that the scope of the reduced setback remains as proposed within the scope of this application.

Subject to the conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land

4. Minor in Nature

The requested reduced rear yard setback is considered to be proportionate to the size of the rear yard and, given the irregular rear lot line, sufficient outdoor amenity space will be provided for the property. The proposed increased deck encroachment is not anticipated to negatively impact drainage or the provision of soft landscaping for the property.

Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield
Development Planner