

**Filing Date:** March 3, 2021  
**Hearing Date:** March 30, 2021

**File:** A-2021-0044

**Owner/  
Applicant:** Gaurav Bhargava and Rupali Bhargava

**Address:** 56 UNWIND CRES, BRAMPTON, ON L6X5J8

**Ward:** WARD 5

**Contact:** Nicholas Deibler, Planner 1, Development

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**Recommendations:**

That application A-2021-0044 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 provide written confirmation agreeing that should any archaeological resources be discovered they may constitute a new archaeological site, and therefore be subject to Section 48(1) of the Ontario Heritage Act;
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:****Existing Zoning:**

The subject site is zoned Residential Single Detached R1F – Special Section 2306 according to By-law 270-2004, as amended.

**Requested Variance:**

The applicant is requesting the following variance:

1. To permit a deck encroachment of 4.88m (16.01 ft.) into the required rear yard setback, resulting in a rear yard setback of 2.64m (8.66 ft.) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft.) into a required rear yard, resulting in a required setback of 4.5m (14.76 ft.).

**Current Situation:**

**1. Conforms to the Intent of the Official Plan**

The subject site is designated 'Residential' in the Official Plan (Schedule A), and is within the Designated Greenfield Area (Schedule 1, City Concept). It is also designated 'Low Density 2' in the Credit Valley Secondary Plan (Area 45). The requested variance has no impact on the policies of the Official Plan and the general intent and purpose of the Official Plan is maintained.

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

The variance relates to a proposed above grade deck in the rear yard. The proposed deck will encroach 4.88 meters (16.01 ft.) into the 7.5 meter (24.6 ft.) minimum required rear yard setback (1.88 meters/6.1 feet greater than the by-law allows), resulting in a 2.64 meter (8.6 ft.) setback from the edge of the deck to the rear property line. The intent of regulating deck encroachments is to allow property owners to add outdoor amenity structures to their properties while also ensuring that the use and amenity of the surrounding properties are not negatively impacted by the built feature.

In this case, the property backs onto an area of Open Space (Huttonville Creek Ravine). As such there is no impact on this development to any adjacent residential properties to the rear. Furthermore, the applicant has obtained the necessary approvals from Credit Valley Conservation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Staff is satisfied that the subject property is of a sufficient size to accommodate the deck without adversely impacting the privacy of the adjacent properties to the side.

The requested variance conforms to the intent of the Zoning By-law.

**3. Desirable for the Appropriate Development of the Land**

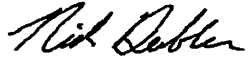
The requested variance is intended to permit an encroachment for a deck into the required rear yard setback. The deck creates a desirable outdoor living area for the property. The existing level of privacy and amenity within other neighbouring rear yards can be reasonably maintained as a result of this variance. Subject to the recommended conditions, the requested variance is considered desirable for the appropriate development of the land.

**4. Minor in Nature**

The proposed minor variance will not negatively impact the existing conditions of the subject property and neighbouring properties. Subject to the recommended conditions, the requested variance is

considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Nick Deibler".

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Nicholas Deibler  
Development Planner