



Report Committee of Adjustment

Filing Date: July 27, 2021
Hearing Date: August 24, 2021

File: A-2021-0170

**Owner/
Applicant:** TARIG ABDELMONIM AND EINAD KHAIRY

Address: 4 Teaberry Terrace

Ward: WARD 4

Contact: Simon Lacoste, Assistant Development Planner

Recommendations:

That application A-2021-0170 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 Single Detached F (R1F-11.6-2102)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a deck encroachment of 4.29m (14.07 ft.) into the required rear yard, resulting in a rear yard setback of 3.21m (10.53 ft.) whereas the by-law permits a deck encroachment of 1.8m (5.91 ft.) into the required rear yard, resulting in a rear yard setback of 5.7m (18.70 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1' in the Credit Valley Secondary Plan (Area 45). The nature and extent of the 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 property is zoned 'Residential Single Detached F (R1F-11.6-2102)', according to By-law 270-2004, as amended.

The variance is requested to permit a rear yard setback of 3.21m (10.53 ft.) whereas the by-law requires a minimum rear yard setback of 5.7m (18.70 ft.). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property. Also, this rear yard setback is put into place to minimize overlook on adjacent properties.

The proposed deck encroachment will be located on the second storey of this building. This means that the deck will not be reducing the amenity area in the rear yard. In fact, the amenity area underneath the deck will be available for occupants. As such, the proposed deck is not anticipated to negatively impact the rear yard amenity area for the property. Also, the property backs onto a wooded area. Consequently, the deck's ability to allow residents to overlook into adjacent properties is minimized. 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 associated with the proposed deck is required to facilitate the construction of a deck on the second storey at the back of the existing dwelling. 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. 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,

Simon Lacoste

Simon Lacoste, Assistant Development Planner