

**Filing Date:** August 20, 2020  
**Hearing Date:** September 29, 2020

**File:** A-2020-0069

**Owner/  
Applicant:** MIGNON MALIK – RAMAN MALIK

**Address:** 24 Impulse Circle

**Ward:** 5

**Contact:** Janany Nagulan, Planner I, Development

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**Recommendations:**

That application A-2020-0069 is supportable, subject to the following conditions being imposed:

1. That the variance be approved only to the extent shown in the sketch attached to the Public Notice;
2. That the owner shall obtain a building permit for the rear yard deck within sixty (60) days of the final date of the Committee's decision, or as extended at the discretion of the Chief Building Official; and
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 property is zoned "Residential Single Detached F-15 – Special Section 1444 (R1F-15- 144)" according to By-law 270-2004, as amended.

**Requested Variance:**

The applicant is requesting the following variance:

1. To permit a deck encroachment of 4.8m (15.75 ft.) into the required rear yard

setback, resulting in a rear yard setback of 3.12m (10.24 ft.) whereas the by-law permits a maximum deck encroachment of 3.0m (9.84 ft.) into a 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” in the Official Community Plan and “Residential Low Density 1” in the Credit Valley Secondary Plan Area (Area 45). The requested variance has no significant impact within the context of the policies of the Official Plan or the Secondary Plan.

Subject to the recommended conditions of approval, the requested variance is 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 F-15 – Special Section 1444 (R1F-15- 144)” according to By-law 270-2004, as amended. The requested variance is to permit a proposed deck to encroach into the rear yard by 4.38m resulting in a setback of 3.12 metres to the deck, whereas the by-law permits a maximum encroachment of 3 meters into the required rear yard, resulting in a setback of 4.5 m to a deck.

The intent of regulating the encroachment of decks is to ensure that decks do not create adverse impacts to privacy and views for properties at the rear of the subject property. The subject property backs onto a floodplain area and therefore there are no major privacy concerns in regard to those lands. Subject to the recommended conditions of approval, the requested variance is considered to maintain the intent of the Zoning By-law.

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

The request to allow the proposed deck to encroach into the required rear yard is not anticipated to alter the character of the area or negatively impact the adjacent residential properties. A condition of approval is recommended that the variance be approved only to the extent shown on the sketch attached to the public notice to ensure the deck is not enlarged beyond what is shown. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

#### **4. Minor in Nature**

The proposed deck will positively contribute to the outdoor amenity space for the property and is not anticipated to impact privacy or sight lines for adjacent properties.

Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

*Janany Nagulan*

Janany Nagulan, Planner I, Development