



Report Committee of Adjustment

Filing Date: August 16, 2022
Hearing Date: September 13, 2022
File: A-2022-0270
**Owner/
Applicant:** Alok Goyal & Manisha Goyal
Address: 28 Angelgate Road
Ward: WARD 4
Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0270 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 to encroach 2.43m (7.97 ft.) into a required rear yard, resulting in a reduced rear yard setback of 5.07m (16.63 ft.), whereas the by-law permits a deck to encroach 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 2 Residential' in the Credit Valley Secondary Plan (Area 45). The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit a deck to encroach 2.43m (7.97 ft.) into a required rear yard, resulting in a reduced rear yard setback of 5.07m (16.63 ft.), whereas the by-law permits a deck to encroach 1.8m (5.91 ft.) into the required rear yard, resulting in a 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 is provided for the rear yard amenity area and to ensure sufficient space is provided for drainage. Additionally, this rear yard setback requirement is put into place to minimize overlook on adjacent properties.

The existing elevated deck is 46.08 sq. m (496 sq. ft.) in size at the rear of the dwelling. The ground floor of the single detached dwelling is located above ground with the basement door located at grade as there are variations in grade between the front and rear of the lot. The existing deck does not block the basement door and allows for access into the rear yard. The existing deck is accessed via an existing door located on the rear wall and a stairway leading to the rear yard. According to the elevation drawings for the structure, the deck will not be reducing the amenity area in the rear yard. As such, the existing deck is not anticipated to negatively impact the rear yard amenity area for the property. The resulting rear yard setback of 5.07m (16.63 ft.) represents a minor decrease from what the by-law permits and is not anticipated to significantly further facilitate overlook onto adjacent properties. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

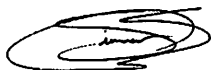
3. Desirable for the Appropriate Development of the Land

The variance is associated with an existing deck and is required to facilitate the use of the structure. 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,



Simran Sandhu, Assistant Development Planner