



Report Committee of Adjustment

Filing Date: September 16, 2022

Hearing Date: October 25, 2022

File: A-2022-0299

**Owner/
Applicant:** IIAN LAMBERT

Address: 24 Leeward Drive

Ward: WARD 7

Contact: Paul Brioux, Planning Technician

Recommendations:

That application A-2022-0299 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 drainage on adjacent properties is not adversely affected;
 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 – R1B (1) – 329', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a deck encroachment of 1.35m (4.4 ft.) into the required rear yard resulting in a rear yard setback of 6.4m (20.99 ft.) whereas the by-law permits a maximum unenclosed porch encroachment of 45cm (17 inch.) resulting in a rear yard setback of 7.3m (23.95 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Residential - Low Density 1) in the Bamalea Secondary Plan (Area 3). Subject to the recommended conditions of approval, the requested variance is 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 variance is requested to permit a deck encroachment of 1.35m (4.4 ft.) into the required rear yard resulting in a rear yard setback of 6.4m (20.99 ft.) whereas the by-law permits a maximum unenclosed porch encroachment of 45cm (17 inch.) resulting in a rear yard setback of 7.3m (23.95 ft.). The variance is requested to facilitate the construction of a deck in the rear of the property.

The intent of the by-law in requiring a minimum rear yard setback for a wood deck is to ensure that the properties to the rear of the subject property are not negatively impacted in terms of sightlines or privacy, and to ensure that sufficient amenity area in the rear yard is maintained. The deck is not anticipated to impact drainage on the property and adequate amenity space is maintained in the year yard.

Subject to conditions of approval, the 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 to permit a rear yard setback for a deck addition to the single detached dwelling is not considered to alter the character or sightlines of the property or negatively impact adjacent properties. It is considered appropriately sized and located given the site context. A condition of approval is recommended that drainage from the structure flows onto the subject property to ensure that the adjacent property not be adversely impacted. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance pertaining to the proposed rear yard setback is not considered to have any negative impacts on the sufficient provision of the outdoor amenity space on the property. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Planning Technician