



Report Committee of Adjustment

Filing Date: November 8th, 2022

Hearing Date: December 6th, 2022

File: A-2022-0358

**Owner/
Applicant:** Gurpreet Kalra

Address: 46 Abigail Grace Crescent

Ward: 6

Contact: Rabia Ahmed, Planner I

Recommendations:

That application A-2022-0358 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 the owner obtain a building permit for the deck within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached E-14 (R1E-14-2503), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a deck and associated landing encroachment of 4.95m (16.24 ft.) into the required rear yard resulting in a rear yard setback of 2.55m (8.37 ft.), whereas the by-law permits a deck encroachment of 3m (9.84 ft.) resulting in a rear yard setback of 4.5m (14.76 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Executive Residential' within the Huttonville Secondary Plan (Area 29b). The Residential designation supports the current use and the requested variance is not considered to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and maintains 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 E-14, subject to Special Section 2503 (R1E-14-2503), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a deck and associated landing encroachment of 4.95m (16.24 ft.) into the required rear yard resulting in a rear yard setback of 2.55m (8.37 ft.), whereas the by-law permits a deck encroachment of 3m (9.84 ft.) resulting in a rear yard setback of 4.5m (14.76 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 on the property, to ensure sufficient space is provided for drainage, and to ensure that neighboring properties are not adversely impacted in terms of sightlines or privacy.

The subject property backs onto a small greenspace with trees and tall vegetation, and therefore the existing deck does not adversely impact any properties opposite the subject property. The deck is also not out of character with the existing neighboring properties immediately to the north and south of the subject property and as such, does not result in adverse impacts to adjacent properties. The deck does also contribute additional amenity area to the subject property. The 1.95m (6.40 ft.) reduction in the rear yard setback is minor in nature and the remaining rear yard setback of 2.55m (8.37 ft.) is sufficient to provide adequate drainage. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance to permit an existing deck in the rear yard of this single detached residential property is not considered to alter the characteristics or sightlines of the subject property, or have any adverse impacts on adjacent properties. The existing deck is in line with the character of the neighborhood, and provides additional amenity space in the rear yard for the enjoyment of the residents. Subject to the recommended conditions of approval, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance relating to a deck encroachment into the rear yard setback is not considered to have any adverse impacts on adjacent properties, drainage on the subject property, or adverse

impacts to provision of outdoor amenity space. The deck is in line with the character of the neighborhood. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Rabia Ahmed

Rabia Ahmed, Planner I