



## Report Committee of Adjustment

**Filing Date:** August 31, 2023

**Hearing Date:** October 3, 2023

**File:** A-2023-0274

**Owner/  
Applicant:** MANJIT SAFRI & AMANDEEP MAHAL

**Address:** 4 River Road

**Ward:** WARD 6

**Contact:** Ellis Lewis, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0274 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 and the subject property shall not be adversely affected 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 Hamlet One (RHm1)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 3.04m (9.97 ft.) to a proposed deck whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.).

## **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Village Residential' in the Huttonville Secondary Plan (Area 29). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. 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 requested variance is to permit an interior side yard setback of 3.04 metres (9.97 feet) to a proposed deck whereas the by-law requires a minimum interior side yard setback of 7.5 metres (24.60 feet). The intent of the by-law in requiring a minimum interior side yard setback distance is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard. A clear path of travel is still provided, allowing residents to access the rear yard without issues. City Staff have also reviewed the application and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property despite the reduced setback. Subject to the 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 that is being requested is to permit an interior side yard setback that is less than what is required by the Zoning By-law. While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied with the proposal as the rear yard can be accessed without issues. The lot area of the subject land is 1052.23 square metres (11,326.11 square feet) with 648.96 square metres (6,975.01 square feet) being allocated towards landscaped and amenity area, maintaining the use of permanent landscape features. As over 60% of the subject property is landscaped, Staff do not have concerns regarding the amount of recreational space that will be available if the side yard setback is reduced to 3.04 metres (9.97 feet). Existing trees and vegetation towards the rear of the property will not be negatively impacted due to the construction of the proposed deck. Despite the reduced interior side yard setback, the location of the dwelling footprint positions the deck away from the view point of the neighboring property. In addition, the subject property contains a vast amount of landscaping along the rear interior lot lines, providing a naturalized buffer for additional privacy. Subject to the recommended conditions of approval, the requested variance is appropriate for the development of the land.

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

The requested variance seeks to decrease the interior side yard setback from 7.5 metres (24.60 feet) to 3.04 metres (9.97 feet) as this will assist in facilitating the construction of a deck in a rear yard. The variance is not considered to have a significant impact on the current use of the property or the surrounding neighbourhood as site circulation and the availability of outdoor amenity space will not be affected. As the deck will not span the entire width of the rear yard, it will not detract from the provision of outdoor amenity area on the property, especially as the rear yard setback is not reduced. In addition, concerns surrounding access to the rear yard are not anticipated as there is still a path to the rear of

the home. The reduction is seen as minor and will not be invasive of abutting properties. Subject to the recommended conditions of approval, the requested variance considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Assistant Development Planner

Appendix A:

