



Report Committee of Adjustment

Filing Date: October 17, 2023
Hearing Date: November 14, 2023
File: A-2023-0327
**Owner/
Applicant:** HARSIMARJOT SINGH SIDHU
Address: 30 AFFUSION ROAD
Ward: WARD 6
Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0327 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances 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 – Fx - Special Section 2888 (R1F-9.0-2556)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed deck to encroach 4.5 metres (14.76 ft) into the rear yard setback, resulting in a setback of 1.5 metres (4.92 ft) from the deck to the rear lot line, whereas, the by-law permits a deck to encroach a max 3.5 metres (11.48 ft) into the rear yard setback, resulting in a required setback of 2.5 metres (8.20 ft) from the deck to the rear lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density' in the Mount Pleasant Secondary Plan (Area 51). The requested variances are not considered to have no impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approvals, the requested variances are considered to maintain the general intent of the Official Plan.

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

The variance is requested to permit a proposed deck to encroach 4.5 metres (14.76 ft) into the rear yard setback, resulting in a setback of 1.5 metres (4.92 ft) from the deck to the rear lot line, whereas, the by-law permits a deck to encroach a max 3.5 metres (11.48 ft) into the rear yard setback, resulting in a required setback of 2.5 metres (8.20 ft) from the deck to the rear lot line. The intent of the by-law in requiring a minimum rear yard setback is ensure that sufficient space is provided in the rear yard of the property for dedicated amenity area and proper drainage is maintained. Additionally, the rear yard setback requirement is in place to minimize the massing of structures and maintain privacy rights for adjacent properties.

In the case of the subject property, the configuration of the lands results in a walk-out basement situation where the deck is proposed of the main floor of the dwelling. This configuration results in no loss of permeable landscaping at grade level nor amenity space. The deck can be utilized as a form of passive recreational area which adds to the property's rear yard amenity space. Furthermore, the subject property backs on to a Floodplain Zone and for this reason is not anticipated to impact adjacent properties with respect to massing and privacy concerns. 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 requested variance is associated with a proposed deck and is required to facilitate the construction of said structure. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property, nor will it cause privacy concerns for adjacent properties. No properties will be affected to the rear of the house as the dwelling abuts a Floodplain/Open space, further mitigating privacy concerns. 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 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. As such, the requested variance, subject to the recommended conditions of approval, is considered minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development