



Report Committee of Adjustment

Filing Date: November 17th, 2023
Hearing Date: December 19th, 2022

File: A-2023-0344

**Owner/
Applicant:** Rushdeep Singh

Address: 6 Fruitvale Circle

Ward: WARD 6

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2023-0344 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. The owner shall obtain a building permit within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
 3. That drainage on adjacent properties should not be adversely affected; and
 4. 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-x Special Section 2556 (R1F-9-2556)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a 1.12 metre rear yard setback to a deck off the main floor, whereas the By-law requires a minimum rear yard setback of 3.5m to a deck off the main floor.

Current Situation:

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

The subject property is designated ‘Residential’ in the Official Plan and ‘Low/Medium Density’ as per the Mount Pleasant Secondary Plan (Area 51). The new Brampton Plan, as approved in November 2023, designates the subject property ‘Neighbourhoods’ pursuant to Schedule 2—Designations. The requested variance is not considered to have a significant impact within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance maintain the general intent and purpose of the Official Plan.

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

The applicant is requesting a variance to permit a deck off of the main floor 2.38 metres (7.81 ft.) into the rear yard setback, resulting in a setback of 1.12 metres (3.67 ft.) whereas the by-law requires a minimum rear yard setback of 3.5 metres (11.28 ft.) to a deck off the main floor. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property and that adequate space is provided for drainage. 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 deck is proposed off of the main floor of the dwelling (refer to Appendix A). 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. The height and massing of the deck is not anticipated to impact adjacent properties with respect to 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 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 property’s backyards. No properties will be impacted to the rear of the house as the home abuts an open area, mitigating privacy concerns. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

Given the context of the property and the location in which the deck is existing, the reduced rear yard setback is not expected to generate negative impacts. A condition of approval is recommended that the applicant obtain a building permit within 60 days of the decision of approval. The deck can be utilized as a form of passive amenity space/ recreation area which adds to the property’s rear yard

amenity space. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Aferdita Dzaferovska

Aferdita Dzaferovska, Planning Technician

APPENDIX A- Site Visit Photos

