



Report Committee of Adjustment

Filing Date: October 25, 2023
Hearing Date: December 19, 2023

File: A-2023-0335

**Owner/
Applicant:** Scottish Heather Development Inc.

Address: 114 Circlevue Crescent

Ward: WARD 6

Contact: Charles Ng, Planner I

Recommendations:

That application A-2023-0335 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 a clause be included within the Agreement of Purchase and Sale for the property advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances;
 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:

The applicant has submitted a Minor Variance Application to seek relief from setback requirements. Staff notes that the variances being requested are in support of a future development on the subject property, which contemplates the construction of a single-detached dwelling as part of a future subdivision development. The subject property is currently vacant with no public access.

Existing Zoning:

The subject property is zoned 'Residential Single Detached F-x R1F-x Zone', Schedule A '10.4', with Special Section '2973' (R1F-10.4-2973), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 4.93 metres, whereas the by-law requires a minimum rear yard setback of 6 metres;
2. To permit an exterior side yard setback of 4.15 metres, whereas the by-law requires a minimum exterior side yard setback of 4.5 metres; and
3. To permit a proposed porch to encroach 2.43 metres into the exterior side yard, resulting in a setback of 2.07 metres from the porch to the flankage lot line, whereas the by-law permits a porch to encroach a maximum of 1.8 metres into the exterior side yard, resulting in a required setback of 2.7 metres from the porch to the flankage lot line.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan, and further designated 'Low/Medium Density Residential' in the Bram West Secondary Plan (Area 40(d)). In relation to the council approved Brampton Plan, the subject property is designated as 'Neighbourhoods', as per Schedule 2 – Designations. The 'Residential' designation in the Official Plan permits residential uses as well as other complementary uses. The 'Neighbourhoods' designation in the council approved Brampton Plan permits a broad range of residential uses and neighbourhood-supportive commercial uses, community services, and facilities that supports 15-minute neighbourhoods. The 'Low/Medium Density Residential' designation in the Secondary Plan permits a range of residential uses consistent with low and medium densities with at least 60% of the overall development to include single detached structural units.

The requested variances are considered to maintain the general intent, purpose, and function of the 'Residential', 'Neighbourhoods', and 'Medium Density Residential' designations. The requested variances are intended to support the future development of the subject property to include a single detached dwelling as part of a future subdivision development. The requested variances are not considered to have significant impacts within the context of the applicable planning policy framework.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit a 4.93 metre (16.17 feet) rear yard setback, whereas the by-law requires a minimum rear yard setback of 6.00 metres (19.68 feet). Variance 2 is requested to permit a 4.15 metre (13.61 feet) exterior side yard setback, whereas the by-law requires a minimum exterior side yard setback of 4.5 metres (14.76 feet). The intent of the by-law in regulating setbacks is to maintain sufficient building separation to ensure that privacy, lighting, drainage, available landscaping, streetscape character, visual impacts, and site circulation is not adversely affected.

The subject property is currently vacant but contemplates a future development of a single-detached dwelling as part of an ongoing subdivision development. The future subdivision is anticipated to mostly include low and medium density residential uses. Considering of the size, function, and orientation of the proposed single-detached dwelling, the requested relief from setback requirements is not anticipated to significantly impact the subject property, neighbouring properties, or the area with respect to privacy, lighting, drainage, available landscaping, streetscape character, visual impacts, and site circulation. The requested relief from setback requirements are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is to permit a porch to encroach 2.43 metre (7.97 feet) into the exterior side yard, resulting in a setback of 2.07 metres (6.79 feet) from the porch to the flankage lot line, whereas the by-law permits a porch to encroach a maximum of 1.80 metres (5.90 feet) into the exterior side yard, resulting in a required setback of 2.70 metres (8.86 feet) from the porch to the flankage lot line. The intent of the by-law in regulating porch encroachments is to ensure that drainage, site circulation, and parking is not adversely affected, and that a sufficient amount of landscaped area is maintained.

The subject property is a corner lot with two (2) frontages along future roads currently known as Circleview Crescent and Misted Breeze Street. The requested porch encroachment is located in the exterior side yard along Circleview Crescent. A sufficient amount of landscaped area is maintained and drainage, site circulation, and parking are not anticipated to be adversely affected. With respect to the decrease in setback requirements resulting from the porch encroachment, impacts to privacy, lighting, drainage, available landscaping, streetscape character, visual impacts, and site circulation is not anticipated to be adversely affected. The requested relief from porch encroachment and associated setback requirements are considered to maintain the general intent and purpose of the Zoning By-law.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The subject property is currently vacant and is located within an area that is planned for a future subdivision development. This future subdivision is anticipated to be characterized by low and medium density residential uses. The requested variances are not anticipated to adversely affect the subject property, adjacent properties, or the neighbourhood and is generally aligned with the Official Plan and Zoning By-law. Staff notes that a Zoning By-law Amendment (By-law 149-2021 and By-law 150-2021) and Official Plan Amendment (OP2006-198, by By-law 148-2021) under City File OZS-2020-0011 came into full force and effect on August 12th, 2021, which permits the intended use. The requested

variances are generally aligned with the planned intent, character and function of the subject property and surrounding area. It is further anticipated that the built form of the proposed single-detached dwelling will contribute to the appropriate and desirable development of the subject land.

Given that the subject property is to be developed as part of a subdivision, a condition of approval is recommended that a clause be included within the Agreement of Purchase and Sale for the property advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances.

Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are to permit a rear yard setback of 4.93 metres (16.17 feet), an exterior side yard setback of 4.15 metres (13.61 feet), and a porch encroachment of 2.43 metre (7.97 feet) that results in a 2.07 metres (6.79 feet) exterior side yard setback. The requested variances represent minor deviations from permitted allowances as per the By-law and are generally aligned with the Official Plan and Zoning By-law. No negative impacts are anticipated with respect to the functionality of the site or the overall streetscape.

Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Charles Ng

Charles Ng, Planner I

Appendix A:

