



Report Committee of Adjustment

Filing Date: September 12, 2023

Hearing Date: December 19, 2023

File: A-2023-0283

**Owner/
Applicant:** KASHIF PANNU & SAIMA PANNU

Address: 51 Moorcroft Place

Ward: WARD 10

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0283 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 drainage on adjacent properties 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', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed deck to encroach 4.27m (14 ft.) into the rear yard setback, resulting in a setback of 2.9m (9.5 ft.) from the deck to the rear yard lot line, whereas the by-law permits a

deck/balcony to encroach a maximum 2.0m (6.56 ft.) into the rear yard setback, resulting in a required setback of 4.0m (13.12 ft.) from the deck to the rear yard lot line;

2. To permit an accessory structure having a setback of 0.15m (0.49 ft.) to the rear lot line, whereas the by-law requires a minimum 0.6m (1.97 ft.) to the nearest lot line; and
3. To permit an accessory structure having a setback of 0.30m (0.98 ft.) to the side lot line, whereas the by-law requires a minimum 0.6m (1.97 ft.) to the nearest 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 'Low/Medium Density' as per the Bram East Secondary Plan (Area 41). The requested variances are not considered to have a significant impact within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances 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 deck to encroach 4.27m (14 ft) into the rear yard, resulting in a setback of 2.9m (9.5 ft) from the deck to the rear yard lot line, whereas the by-law requires a deck/balcony to encroach a maximum of 2.0m (6.56 ft) into the rear yard setback, resulting in a required setback of 4.0m (13.12 ft) from the deck to the rear yard lot line. 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.

On October 18th 2023, the TRCA completed its review of the submitted proposal and approved authorized plans and documents as part of the permission to proceed with the listed minor works in accordance with Ontario Regulation 166/06. TRCA Staff provided confirmation to City of Brampton Planning Staff that they are satisfied with the proposed development and that the requested variance for the construction of the deck is not anticipated to negatively impact the abutting Open Space area that is located toward the rear of the home. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variances 2 and 3 are requested to permit a proposed accessory structure (shed) located 0.15m (0.49 ft) from the rear yard lot line and 0.30m (0.98 ft) from the side yard lot line, whereas the by-law permits a setback of 0.6m (1.96 ft) to the nearest lot lines. The intent of the by-law in requiring a minimum setback to an accessory structure is to ensure that sufficient space is provided for drainage and access for maintenance. In this case, the proposed structure will require minimal maintenance and drainage in the rear yard would not appear to be impacted. Subject to the recommended conditions of approval, Variances 2 and 3 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to decrease the rear yard setback to facilitate the construction of a deck in the rear of the property. 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 the backyards of adjacent properties. Furthermore, no properties will be impacted to the rear of the house as the home abuts an open area, mitigating privacy concerns. The deck will have a length of 5.18m (17 ft) by 4.27m (14 ft). The total area of the deck will be 22.12 square metres (238 square feet). The subject land is located adjacent to a valley corridor associated with the Humber River. The variance is not anticipated to impact the Humber River Watershed which is located to the northeast of the property, abutting the rear yard of the home. As previously stated, the TRCA has reviewed the application and provided the owner with a Letter of Approval to construct the deck in the location identified in the plans. Conditions provided by the conservation authority have been outlined in the Letter of Approval. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

Variances 2 and 3 are requested to permit a structure that will be within the area from the property line and permitted distance from the structure. Staff are of the opinion that the requested setback from the shed to the property lines will provide sufficient space for maintenance of the shed and allow for adequate drainage. The proposed shed will be 2.4m (8 ft) by 3.05m (10 ft) and located in the furthest corner of the rear yard. The shed will have an area of 7.4 sq m (80 sq ft). Subject to the recommended approval conditions, Variances 2 and 3 are appropriate for the development of the land.

4. Minor in Nature

Given the context of the property and the location in which the deck is proposed to be constructed, the reduced rear yard setback is not expected to generate negative environmental impacts. The applicant is aware that Variance 1 is only acceptable for the construction of the deck. A condition of approval is recommended that the extent of the variance be limited to that shown in Concept Plan provided. 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, Variance 1 is considered minor in nature.

Variances 2 and 3 request that the distance between an accessory structure that is 0.15m (0.49 ft) from the rear yard lot line and 0.30m (0.98 ft) from the side lot line be permitted, whereas the by-law permits a minimum of 0.6m (2 ft) to the nearest lot line. Staff are of the opinion that the shed and fence will require minimal maintenance because of its proximity to the rear yard fence. Subject to the recommended approval conditions, Variances 2 and 3 are considered minor in nature.

Respectfully Submitted,

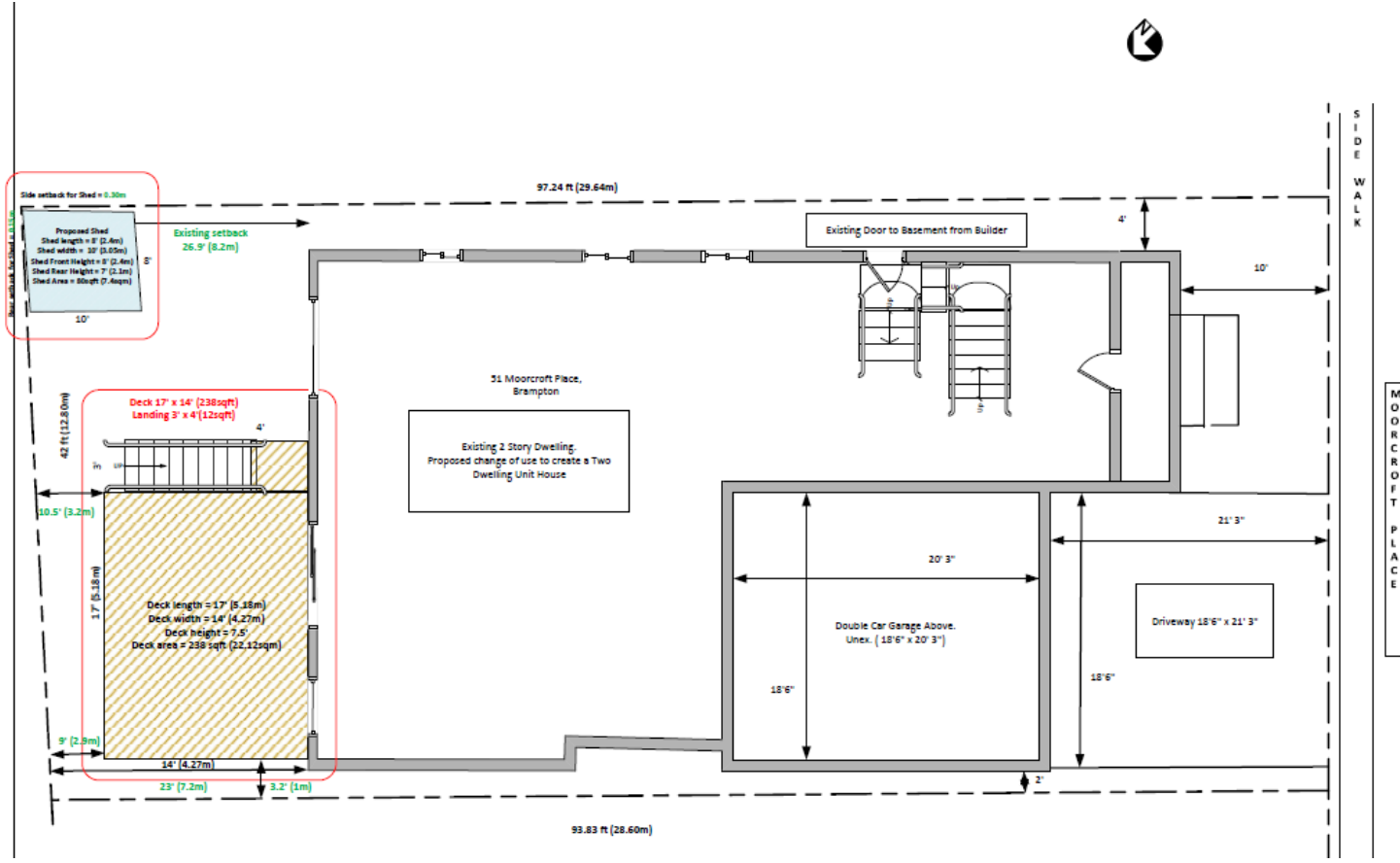
Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:



Appendix B (Revised Site Plan):



October 18, 2023

CFN 68434.11
xRef: CFN 69697

By email: coa@brampton.ca; clara.vani@brampton.ca

Clara Vani

Legislative Coordinator & Secretary-Treasurer Committee of Adjustment

Committee of Adjustment

2 Wellington Street West

Brampton, ON L6Y 4R2

Dear Clara Vani,

Re: Minor Variance Application and City File No. A-2023-0283

51 Moorcroft Place

City of Brampton, Region of Peel

Owner: Kashif Pannu and Saima Pannu

This letter acknowledges receipt of the subject application, received on September 27, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the *Conservation Authorities Act*, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the *Planning Act*, ensure that decisions under the *Planning Act* are consistent with the natural hazard policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Please also note that updates to the *Conservation Authorities Act* and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the *Planning Act*, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

The purpose of Minor Variance Application assigned City File No. A-2023-0283 is to permit a proposed deck to encroach 3.07metres into the rear yard setback, resulting in a setback of 2.7 metres from the deck to the rear lot line, whereas the bylaw permits a deck/balcony to encroach a maximum 2.0metres

into the rear yard setback, resulting in a required setback of 4.0 metres from the deck to the rear lot line.

Recommendation

TRCA's staff have no objection to support the approval of Minor Variance Application assigned City File No. **A-2023-0283**, subject to the following condition:

- 1) That the applicant provides the required \$660.00 planning review fee.

A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

Site Context

Ontario Regulation 166/06

Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). The subject property is partially (rear yard almost entirely) located within TRCA's Regulated Area of the Humber River Watershed. Specifically, the subject land is located adjacent to a valley corridor associated with a tributary of the Humber River. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to any development and/or site alteration taking place within TRCA's Regulated Area on the property.

Application Background

TRCA permit no. C-230976 (expiring August 17, 2025) was issued to construct an above grade deck with an area of 23.22 sq.m. (250 sq.ft.). The approved works also included a 11.14 sq.m. (120sq.ft.) shed, a 20.90 sq.m. (225sq.ft.) walkway paving in the side and rear yard, 18.98 sq.m. (204 sq.ft.) patio paving under the proposed deck, and one new window in the basement of the existing house.

Application Specific Comments

The proposed development will be located within TRCA's regulated portion of the site. TRCA staff have no concerns with the requested variance. Please note that all future development proposals on the property should be circulated to TRCA for our review and approval prior to any works taking place.

We thank you for the opportunity to comment. Should you have any additional questions or comments, please contact the undersigned.

Sincerely,

Marina Janakovic

Planner I

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority

Telephone: (437) 880-2368

Email: Marina.Janakovic@trca.ca