



Report Committee of Adjustment

Filing Date: December 6, 2023

Hearing Date: January 23, 2024

File: A-2023-0388

**Owner/
Applicant:** **GAGANDEEP SINGH DHALIWAL & HARLEEN KAUR**

Address: **13 Vivians Crescent**

Ward: WARD 4

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0388 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;
 3. That the applicant obtains a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 4. That the applicant obtain a building permit for the constructed deck within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 5. That the applicant provides the required \$478.00 planning review fee as noted in the CVC letter dated January 8, 2024; and
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:Existing Zoning:

The property is zoned 'Residential Single Detached C - Special Section 3414 (R1C-3414)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing rear yard setback of 6.33m (20.77 ft.) to a stairway leading to a below grade entrance, whereas the by-law requires no building or structures, including swimming pools, shall be located closer than 7.6m (24.93 ft.) to any lands zoned OS; and
2. To permit an existing deck to encroach 2.66m (8.73 ft.) into the rear yard setback, resulting in a setback of 4.94m (16.20 ft.) from the deck to the rear lot line, whereas the by-law requires no building or structures, including swimming pools, shall be located closer than 7.6m (24.93 ft.) to any lands zoned OS.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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 an existing rear yard setback of 6.33m (20.77 ft.) to a stairway leading to a below grade entrance, whereas the by-law requires no building or structures, including swimming pools, shall be located closer than 7.6m (24.93 ft.) to any lands zoned Open Space. Variance 2 is requested to permit an existing deck to encroach 2.66m (8.73 ft.) into the rear yard setback, resulting in a setback of 4.94m (16.20 ft.) from the deck to the rear lot line, whereas the by-law requires no building or structures, including swimming pools, shall be located closer than 7.6m (24.93 ft.) to any Open Space zone.

The intent of the by-law in requiring a minimum setback in the rear yard is to guarantee that sufficient space is provided for the rear yard amenity space on the property, to ensure that space is provided for drainage, and to ensure that neighbouring properties are not adversely impacted in terms of sightlines

or privacy. City Engineering Staff have reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Given that the property backs onto land that is zoned 'Open Space', the below grade stairway and deck encroachment into the rear yard are not anticipated to adversely impact the land abutting the rear yard. The deck will also contribute to additional amenity space on the subject property. The remaining 4.94m (16.20 ft.) of setback is sufficient to provide adequate drainage and access to the rear yard is maintained on the opposite side yard of the home. Subject to the recommended conditions of approval, the variances maintain the general intent of the Zoning By-Law.

3. Desirable for the Appropriate Development of the Land

The requested variances seek to decrease the rear yard setback in which an Open space zone is adjacent to. The existing deck does not alter the characteristics or sightlines of the subject property or have adverse impacts on adjacent properties. The subject property is in an area that is regulated by the Credit Valley Conservation Authority (CVC). The applicant was informed that the CVC circulated the Minor Variance application and that this is under review. The applicant received information in regard to the \$478 fee that is required for reviewing and commenting on the Planning Act Application. A condition has been included in the report which speaks to the applicant providing the required \$478.00 planning review fee as noted in the letter sent to them by the CVC. Due to the absence of residential homes to the rear of the property, the reduced rear yard setbacks is considered appropriate. Despite the reduced rear yard setback, the location of the dwelling's footprint positions the deck away from the viewpoint 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 added privacy. Subject to the recommended conditions of approval, the variances are appropriate for the development of the land.

4. Minor in Nature

The requested variances relating to the deck and steps encroaching into the rear yard setback are not anticipated to have any adverse impacts on adjacent properties, drainage on the subject property or impacts on the provision of outdoor amenity space. As previously mentioned, the CVC are also completing a review of the application. The applicant is aware that the variances are only acceptable for the encroachment of the deck and stairs that reduce the distance to the rear yard lot line. Subject to the recommended conditions of approval, these variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis". The ink is dark and the signature is fluid.

Ellis Lewis, Assistant Development Planner

Appendix A:

