



## Report Committee of Adjustment

**Filing Date:** December 20<sup>th</sup>, 2023  
**Hearing Date:** January 23<sup>rd</sup>, 2024

**File:** A-2023-0409

**Owner/  
Applicant:** Richard Rattansingh and Rajdai Rattansingh

**Address:** 25 Markham Street

**Ward:** WARD 7

**Contact:** Aferdita Dzaferovska, Planning Technician

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### **Recommendations:**

That application A-2023-0409 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 drainage on adjacent properties is not adversely affected;
  3. That drainage from the existing building addition must flow onto the owners property;
  4. The owner shall obtain a building permit for the addition 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; and
  5. 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 is requesting variances to bring an existing sunroom addition into compliance.

#### Existing Zoning:

The property is zoned 'Residential Townhouse A(2) [R3A(2)]', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. to permit an interior side yard setback of 1.0m to an existing sunroom addition, whereas the by-law requires a minimum interior side yard setback of 1.2m; and
2. To permit a lot coverage of 42%, whereas the by-law permits a maximum lot coverage of 30%.

### **Current Situation:**

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

The property is designated 'Residential' in Schedule A of the Official Plan. The property is located within the Bramalea Secondary Plan (Area 3) and is further designated 'Low Density 1 Residential'. The new Council approved Brampton Plan designates the property as 'Neighbourhoods' in Schedule 2. The nature and extent of the proposed variances, subject to the recommended conditions of approval, 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 interior side yard setback of 1.0m (3.28 ft.) to an existing sunroom addition, whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in requiring a minimum setback to an addition is to ensure that sufficient space is provided for drainage and access for maintenance.

Engineering staff have reviewed the application and do not have concerns regarding the location of the existing addition and no negative impacts are considered in respect to drainage on site. Subject to the recommended conditions of approvals, Variance 1 is considered to maintain the general intent of the Zoning By-law

Variance 2 is to permit a lot coverage of 42%, whereas the by-law permits a maximum lot coverage of 30%. The general intent of the by-law in regulating maximum lot coverage is to ensure that the size of a structure is appropriate to the size of the property and does not detract from the functioning of the property. The applicant is requesting a 12% increase to the lot coverage from what the Zoning By-law permits.

The existing configuration of the sunroom addition is considered to be appropriately sized and advantageously fitted in the indentation of the building envelope. Although the variance is requested for the increased lot coverage the sunroom does not exceed the permitted maximum gross floor area for residential zones. As such, the property can accommodate a larger building footprint which results in an increased lot coverage beyond the permitted zoning requirements. While a reduction is requested to the lot area, the addition maintains adequate separation from the adjacent property to ensure access to the rear yard and mitigate drainage concerns. The increase in lot coverage is not anticipated to contribute to overdevelopment of the subject property with sufficient space remaining for rear yard amenity space. Further, the height and massing of the sunroom is not considered to

impact adjacent properties with respect to privacy. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 relates to a reduced interior side yard setback to an existing sunroom addition. The requested variance is to permit a setback of 1.0m (3.28 ft.), whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The requested variance results in a setback difference of 0.2 metres (0.66 ft.) which represents a modest reduction. The addition of the shed is considered appropriate for the development of the land as it would allow for additional storage of utilities on the property. An adequate amount of recreational space remains in the rear yard of the property and drainage is not considered to be negatively impacted. Variance 1, subject to recommended conditions of approval, is considered to be desirable for the appropriate development of the land.

Variance 2 seeks to permit an increase in lot coverage from 30% to 42%. Staff do not consider the increased size of the sunroom incompatible with the surrounding area or hazardous. The size and configuration of the proposed sunroom is not considered to contribute to the overdevelopment of the subject property as the size of the subject property can accommodate a larger building footprint. Subject to the recommended conditions of approval, the proposed variance is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1 seeks to reduce the setback from the existing sunroom structure to the lot line in the interior side yard of the property. As minimal maintenance is required for the fence and sunroom, Staff are of the opinion that the requested setback from the property line to the shed are appropriate in order to maintain adequate drainage. Subject to the recommended approval conditions, Variance 1 is appropriate for the development of the land.

Variance 2 is not considered to contribute to the overdevelopment of the property as sufficient area is maintained for amenity space and landscaping on the subject property. Adequate space is provided to all areas of the property mitigating drainage and access concerns. Subject to the recommended conditions of approval, variance 2 is considered minor in nature.

Respectfully Submitted,

Aferdita Dzaferovska

Aferdita Dzaferovska, Planning Technician

**APPENDIX A – Site Visit Photos**

