



Report Committee of Adjustment

Filing Date: February 28, 2023

Hearing Date: March 28, 2023

File: A-2023-0063

Owner/

Applicant: BIKRAM SINGH & MANDEEP GILL/ NANTHARUBAN RAJADURAI

Address: 34 Abigail Grace Crescent

Ward: WARD 6

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0063 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 the applicant obtain a building permit for the landing 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
 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 Single Detached E-x Special Section 18.0-2502 (R1E-18.0-2502)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a landing to encroach 4.4m (14.4 ft.) into the minimum required rear yard resulting in a rear yard setback of 3.1m (10.17 ft.) whereas the by-law permits a maximum encroachment of 3.0m (9.8 ft.) resulting in a rear yard setback of 4.5m (14.76 ft.)

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Village Residential' in the Huttonville Secondary Plan (Area 29). 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

A variance is requested to permit a landing encroachment of 4.4 metres into the minimum required rear yard resulting in a rear yard setback of 3.1 metres whereas the by-law permits a maximum encroachment of 3.0 metres resulting in a rear yard setback of 4.5 metres. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the rear yard amenity area 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 also reviewed the proposed development and are satisfied with the application as it does not negatively impact drainage on the subject parcel or abutting property. The subject property backs onto an open space area containing a walkway, storm water management pond and forested area and therefore, the landing would not impact neighbouring properties to the rear of the house. The existing deck also provides a form of passive amenity space on the subject property. City of Brampton engineering staff have reviewed the proposed application and confirmed that the remaining 3.1 metres of rear yard setback is sufficient for drainage purposes. Subject to the recommended conditions of approval, this variance maintains the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance to permit the landing which would encroach into the rear yard setback is not anticipated to alter the characteristics of the property, or have adverse impacts on adjacent properties. As the site abuts a waterbody, there are no properties to the rear of the house that will be impacted. With the deck in place, there is still 3.1 metres of amenity space and landscaping throughout the rear yard to allow for additional uses. The proposal has been reviewed by the Credit Valley Conservation (Appendix A) and it has been determined that the subject property is not subject to Ontario Regulation 160/06 based on information that is currently available. Subject to the recommended conditions of approval, the variance is appropriate for the development of the land.

4. Minor in Nature

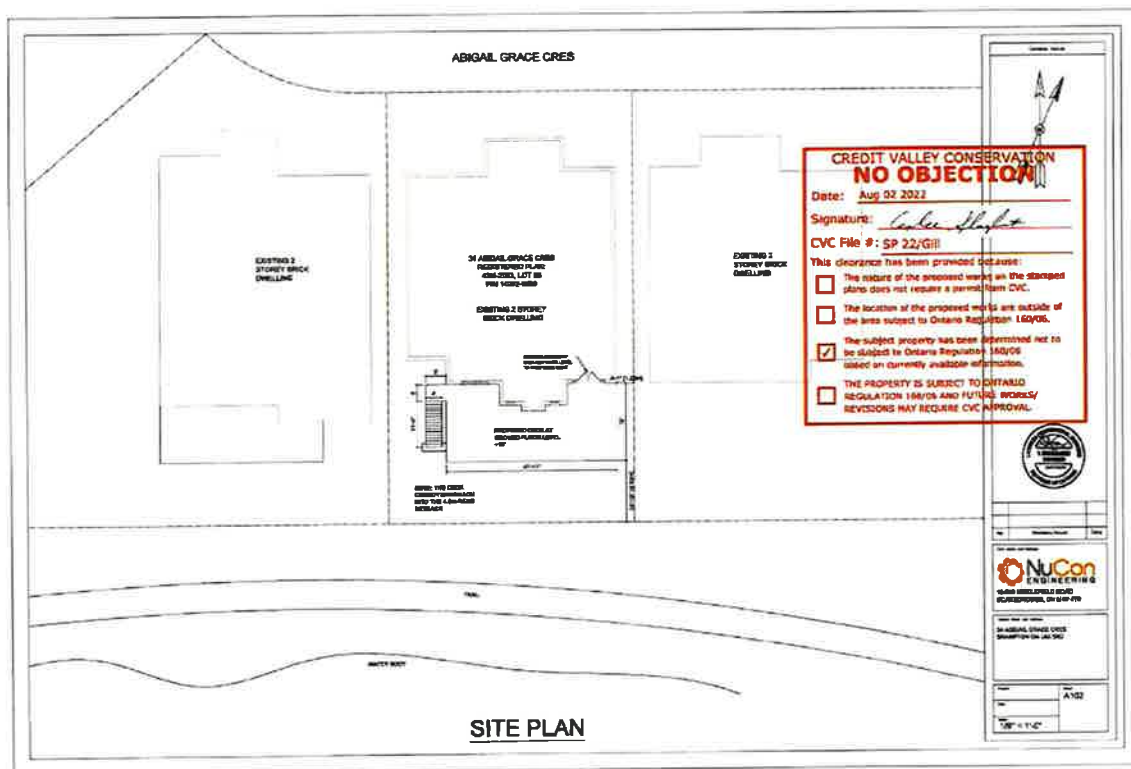
The requested variance relating to the landing encroaching into the rear yard setback is not anticipated to have any adverse impacts on adjacent properties, drainage on the subject property or impacts on the provision of outdoor amenity space. The addition of the deck will not limit amenity uses as there will still be a rear yard setback of 3.1 metres in place. Subject to the recommended conditions of approval, this variance is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:



Appendix B:

