



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0054

**Owner/
Applicant:** Hector Pereira Ulises

Address: 4 Montcalm Place

Ward: WARD 7

Contact: Aferdita Dzaferovska, Assistant Development Planner

Recommendations:

That application A-2024-0054 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. The owner shall obtain a building permit for the covered deck within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
 3. That drainage on adjacent properties should not be adversely affected; and
 4. 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 B(1) Section 113 (R1B(1)- 113)' and further subject to the provisions of the Mature Neighbourhood by-law (69-2023) according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a lot coverage 32.9%, 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 subject property is designated 'Residential' in the Official Plan and 'Low Density 1' as per the Bramalea Secondary Plan (Area 3). The new Brampton Plan, as approved in November 2023, designates the subject property 'Neighbourhoods' pursuant to Schedule 2— Designations. The requested variance is not considered to have a significant impact within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Official Plan.

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

The applicant is requesting one variance to permit a lot coverage 32.9%, whereas the by-law permits a maximum lot coverage of 30%. The 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 2.9% increase to the lot coverage from what the Zoning By-law permits. Although the variance is requested for the increased lot coverage, all building setbacks and the balance of the development comply with the Zoning By-law. The proposed configuration of the existing covered deck is considered to be appropriately sized and positioned on the property. Given the large size of the rear yard, 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 covered deck maintains adequate separation from adjacent properties. Sufficient space is maintained to ensure access to all areas of the rear yard. As such, the increase in lot coverage is not anticipated to contribute to overdevelopment of the subject property.

Further, in the case of the subject property, the deck is proposed off of the main floor of the dwelling (refer to Appendix A). This configuration results in no loss of amenity space at grade level. The deck can be utilized as a form of passive recreational area which adds to the property's rear yard amenity space. The height and massing of the covered deck is not considered to impact adjacent properties with respect to privacy concerns. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance to permit an increase in lot coverage from 30% to 32.9% represents a modest increase. The size and configuration of the existing covered deck suite is not anticipated to contribute to the overdevelopment of the subject property as the size of the subject property can accommodate an increase in built area. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

Given the context of the property and the location in which the deck is existing, the increase in lot coverage is not expected to generate negative impacts. A condition of approval is recommended that the applicant obtain a building permit within 60 days of the decision of approval. 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, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

APPENDIX A- Site Visit Photo

