



Report Committee of Adjustment

Filing Date: March 12, 2024

Hearing Date: April 23, 2024

File: A-2024-0077

**Owner/
Applicant:** 8032882 Canada Inc.

Address: 88 Linkdale Road

Ward: 1

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0077 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 the proposed rear addition (gazebo) remain as an “open-style” construction;
 3. That drainage from the addition shall not adversely impact the adjacent properties; 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 (R1B)’, according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a rear yard setback of 6.07 metres to a proposed rear addition, whereas the by-law requires a minimum rear yard setback of 8.48 metres.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

The variance is requested to permit a rear yard setback of 6.07 metres to a proposed rear addition, whereas the by-law requires a minimum rear yard setback of 8.48 metres. 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 and that sufficient space is maintained between structures and the property line.

The subject property is a detached two-storey dwelling located on a corner lot surrounded by residential dwellings. In the case of the subject property, the rear yard setback will only apply to a portion of the dwelling and is not anticipated to negatively impact the overall provision of outdoor amenity area. The proposed building addition will have a rear yard setback of 6.07m, representing a 2.41m rear yard setback reduction of what the by-law permits. Given the size, shape and context of the lot, the reduced rear yard setback resulting from the proposed building addition is not anticipated to significantly limit rear yard amenity area in a negative manner. Furthermore, staff do not anticipate the proposed building addition to impose on to adjacent properties given that the addition will be one storey in height. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The subject property is located within an established residential neighbourhood characterized by single detached dwellings. While full setback requirements of the Zoning By-law are not maintained, staff are satisfied that the remaining rear yard amenity space is sufficient at the rear of the property. Furthermore as the property includes fencing along the rear property line, both the proposed addition to the existing dwelling and reduced rear yard amenity area is screened in a manner that does not negatively impact neighboring adjacent properties. A condition is recommended that the proposed rear addition (gazebo) remain as an "open-style" construction. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit proposed site conditions for a reduced rear yard setback in relation to a one storey addition (gazebo) to the dwelling in the rear yard. Following a staff review of the application and surrounding context, staff observed that sufficient rear yard area for landscaping, drainage and outdoor amenity space is maintained. Staff are of the opinion that the 2.41m reduction in

the rear yard is minor and will not contribute to any negative impact to the rear yard amenity area of the property. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

