



Report Committee of Adjustment

Filing Date: April 19th, 2023
Hearing Date: March 21st, 2024

File: A-2024-0129

**Owner/
Applicant:** Vaibhav Kumar Agarwal, Puja Mondal
Noble Prime Solutions

Address: 167 Simmons Blvd

Ward: WARD 1

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2024-0129 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 and that drainage from the existing building addition must flow onto the owners property;
 3. 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
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The applicant is requesting variances to bring an existing sunroom addition into compliance.

Existing Zoning:

The property is zoned 'Residential Semi-Detached A (2) Section 172 (R2A(2)-172)', 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 5.62m to an existing sunroom addition, whereas the by-law requires a minimum rear yard setback of 7.5m.

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 Brampton Flowetown Secondary Plan (Area 6) and is further designated 'Low Density 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

The variance is requested to permit a rear yard setback of 5.62m to an existing sunroom addition, whereas the by-law requires a minimum rear yard setback of 7.5m. 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 for the property and that adequate space is provided for drainage. Additionally, the rear yard setback requirement is in place to minimize the massing of structures and maintain privacy rights for adjacent properties.

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. Further, the existing configuration of the sunroom addition is considered to be appropriately sized and advantageously fitted against the building envelope. As such, the property can accommodate a larger building footprint whilst maintaining adequate separation from the adjacent property to ensure access to the rear yard and mitigate drainage concerns. In the case of the subject property, the sunroom addition is located on a deck and at the main floor level of the dwelling (refer to Appendix A). This configuration results in no loss amenity space. The sunroom 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 sunroom is not anticipated to impact adjacent properties with respect to privacy concerns and considered to be compatible with the neighboring framework. Subject to the recommended conditions of approval, the 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 a reduced rear yard setback results in a setback difference of 1.88 metres (6.17 ft.) which represents a modest reduction. The addition of the sunroom is considered appropriate for the development of the land as it would not detract from the amount of amenity space serving the dwelling as it can be utilized as a recreational area. Further, the size, configuration, and massing of the existing sunroom is not considered to contribute to privacy concerns.

Given that the structure is as-built, a condition of approval is recommended that 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.

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

As minimal maintenance is required for sunroom, Staff are of the opinion that the requested setback from the property line to the sunroom is appropriate in order to maintain adequate drainage. Further, the context of the property and the location in which the sunroom is existing, the reduced rear yard setback is not considered to generate negative impacts. The sunroom can be utilized as a form of recreational area which contributes 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, Planning Technician

APPENDIX A – Site Visit Photos



