



Report Committee of Adjustment

Filing Date: May 17, 2024
Hearing Date: June 18, 2024

File: A-2024-0177

**Owner/
Applicant:** TEJPAL BEDI, MANJIT BEDI, AND JASVINDER BEDI

Address: 27 Moorcroft Place

Ward: WARD 8

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0177 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 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 (MZO 171-20)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed deck to encroach 3.1 metres into the rear yard setback, resulting in a setback of 2.9 metres from the deck to the rear property line, whereas the by-law permits a deck to encroach a maximum 2 metres into the rear yard setback, resulting in a required setback of 4 metres from the deck to the rear lot line.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Medium Density' in the Bram East Secondary Plan (Area 41). The Residential designation supports the current use and the requested variance.

As per the Regionally-Approved Brampton Plan the subject property is designated the following:

- Community Areas, Primary Major Transit Station Area (MTSA) – Schedule 1A
- The Gore (QUE-14) MTSA – Schedule 1B
- Neighbourhoods – Schedule 2
- Designated Greenfield Area – Schedule 5
- Neighbourhood (Low-Rise Residential) – Schedule 13k

The requested variance supports the Neighbourhood use and is not considered to have any significant impacts within the context of the Official Plan, Secondary Plan, and Regionally-Approved Official Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is currently zoned 'Residential,' (MZO 171-20), according to By-law 270-2004, as amended.

The variance is requested to permit a proposed deck to encroach 3.1 metres into the rear yard setback, resulting in a setback of 2.9 metres from the deck to the rear property line, whereas the by-law permits a deck to encroach a maximum 2 metres into the rear yard setback, resulting in a required setback of 4 metres from the deck to the rear lot line. The intent of the by-law in regulating rear yard encroachments and rear yard setbacks is to ensure that sufficient space is provided for the rear yard amenity area on the property and that neighbouring properties are not adversely impacted in terms of sightlines or privacy.

The subject property backs onto lands designated as Open Space as per the Brampton Official Plan and is also regulated by the Toronto and Region Conservation Authority. Given that the property backs onto a valleyland/ watercourse corridor area, the increased deck encroachment is not anticipated to adversely impact the land abutting the rear yard. The existing deck meets all other zoning performance standards such as the interior side yard setback requirements outlined in Residential (MZO 171-20) of the Zoning By-law and is not considered to create any massing or privacy issues for surrounding properties. Furthermore, the proposed deck is not considered to negatively impact the provision of rear yard amenity space as it is constructed at the height of the dwelling's main floor and ample amenity area will be provided below the deck. 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 variance is requested to permit a proposed deck encroaching in to the rear yard setback. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property nor will it unreasonably increase the ability to overlook into adjacent properties' backyards.

The deck will be constructed above grade and does not detract from the provision of outdoor amenity area as space below the deck can be utilized. Moreover, the rear of the subject property does not back onto any residential properties as it abuts an open space area thereby limiting massing or overlook impacts to surrounding properties. Therefore, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit a proposed deck encroaching into the rear yard setback is not anticipated to have any adverse impacts on adjacent properties or to the provision of outdoor amenity space. Privacy concerns are mitigated as the deck maintains interior side yard setback requirements to the neighbouring properties and abuts an open space area. The deck is not considered to have any negative impacts on the sufficient provision of outdoor amenity space is maintained. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the setback is consistent with what is presented in this application. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

