



Report Committee of Adjustment

Filing Date: May 31, 2024
Hearing Date: July 16, 2024

File: A-2024-0192

**Owner/
Applicant:** HARTEHAL GILL, BALJINDER GILL

Address: 11 REDWILLOW ROAD

Ward: WARD 8

Contact: Taranjit Mangar, Student Planner

Recommendations:

That application A-2024-0192 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 owner shall obtain a building permit for the rear yard roof structure within sixty (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;
 3. That the existing roof structure remain open and not enclosed;
 4. That drainage on the adjacent properties shall not be adversely affected. Drainage from the roof structure must flow onto the owner's property;
 5. 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 C – Special Section 1820 (R1C-1820)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing roof structure to encroach 3.76 metres into the rear yard setback, resulting in a setback of 2.24 metres from the roof structure to the rear lot line, whereas the by-law permits a roof structure, including eaves and cornices, to encroach a maximum of 2.0 metres into the rear yard setback, resulting in a required setback of 4.0 metres from the rear lot line.

Current Situation:

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

The property is designated as 'Residential' in the Official Plan and 'Low/Medium Density' in the Bram East Secondary Plan (Area 41). The Residential designation supports the current use, and the variance is not expected to have any significant impacts within the context of the Official Plan policies. As per the Regionally-Approved Brampton Plan the subject property is designated as 'Community Areas' on Schedule 1A and 'Neighbourhoods' on Schedule 2. The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains the general purpose and intent of the Official Plan.

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

The variance is requested to permit an existing roof structure to encroach 3.76 metres into the rear yard setback, resulting in a setback of 2.24 metres from the roof structure to the rear lot line, whereas the by-law permits a roof structure, including eaves and cornices, to encroach a maximum of 2.0 metres into the rear yard setback, resulting in a required setback of 4.0 metres from the rear lot line. The intent of the by-law in requiring a minimum rear yard setback is to ensure that the properties to the rear of the subject property are not negatively impacted in terms of sightlines or privacy and to ensure that the amenity area in the rear yard is maintained with sufficient space for drainage. Given the size, height, and design of the existing roof structure, it is not considered to negatively impact adjacent properties, nor does it generate privacy concerns for adjacent property's backyards as the space is surrounded by a wooden fence located at the rear yard property line. Despite the reduced setback, a sufficient amount to amenity space in the rear yard remains. Subject to the recommended conditions of approval, the requested variance is considered to maintain the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit an existing roof structure to encroach 3.76 metres into the rear yard setback, resulting in a setback of 2.24 metres from the roof structure to the rear lot line. The size and location of the existing roof structure is not anticipated to negatively impact the adjacent properties and will contribute positively to the use of the outdoor amenity space on the property.

The existing roof structure was constructed without building permit approvals. Therefore, a condition of approval is recommended that the owner shall obtain a building permit for the rear yard roof structure within sixty (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. Furthermore, it is recommended that drainage on the adjacent properties shall not be adversely affected and that drainage from the roof structure must flow onto the owner's property. Subject to the recommended conditions of approval, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to allow a roof structure to extend 3.76 metres into the rear yard, leaving a 2.24 metre setback to the lot line. This represents a 1.76 metres encroachment beyond the permitted requirements. The structure is existing, and it is not considered to be an overdevelopment of the property given its scale and size. The structure is unenclosed and sufficient separation distance remains between it and property lines. 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 and that the roof structure shall not be enclosed. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

Taranjit Mangar

Taranjit Mangar, Student Planner

Appendix A : Site Visit Photos

