



Report Committee of Adjustment

Filing Date: June 5, 2024
Hearing Date: July 16, 2024

File: A-2024-0201

**Owner/
Applicant:** **Banarsi Arora & Sunil Arora**

Address: **56 Balloon Crescent**

Ward: WARD 10

Contact: Hayden Poon, Planning Technician

Recommendations:

That application A-2024-0201 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 area underneath the proposed roof structure remains open and not enclosed; and
 3. 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 E (R1E-14.8-2387)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed roof structure to encroach 3.66 metres into the rear yard setback, resulting in a setback of 3.84 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 2.0 metres

into the rear yard setback, resulting in a required setback of 5.5 metres from the roof structure to the rear lot line.

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 'Executive Transition Residential' in the Vales of the Humber Secondary Plan. In relation to Council Endorsed Brampton Plan 2023, the subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 – Designations). 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 proposed roof structure to encroach 3.66 metres into the rear yard setback, resulting in a setback of 3.84 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 2.0 metres into the rear yard setback, resulting in a required setback of 5.5 metres from the roof structure to the rear lot line. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the rear yard amenity area for the property. Additionally, this rear yard setback requirement is put into place to minimize privacy concerns and impacts on adjacent properties.

An unfinished rear deck currently exists at the rear of the building. The rear deck has been constructed without a building permit. The applicant is proposing to demolish the rear deck and build a roof structure. The size of the roof structure is proposed to be extended 3.66 metres from the rear wall of the building. Although a reduction to the rear yard setback is requested, the massing of the structure is not anticipated to negatively impact adjacent properties. A condition of approval is recommended that the area underneath the roof structure remains open and not enclosed, as shown on the site plan that were provided by the applicant. Subject to the recommended conditions of approvals, the variance maintains 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 roof structure to encroach 3.66 metres into the rear yard setback, resulting in a setback of 3.84 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 2.0 metres into the rear yard setback, resulting in a required setback of 5.5 metres from the roof structure to the rear lot line. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property, nor will it cause privacy concerns for adjacent property's backyards. Subject to the recommended conditions of approvals, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an established residential area of the City with medium sized rear yards. Considering the size of the property, the proposed deck and roof structure is not anticipated to detract from access to outdoor amenities or create adverse impacts on-site or off-site. 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 variance is minor in nature.

Respectfully Submitted,

Hayden Poon

Hayden Poon, Planning Technician

Appendix A:

