



## Report Committee of Adjustment

**Filing Date:** June 14, 2024

**Hearing Date:** July 16, 2024

**File:** A-2024-0203

**Owner/  
Applicant:** Sivagamasundari Balenthiran and Thishor Balenthiran

**Address:** 74 Southlake Blvd.

**Ward:** WARD 1

**Contact:** Marcia Razao, Planning Technician

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### **Recommendations:**

That application A-2024-0203 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 applicant obtain a building permit for the constructed deck 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;
  3. That drainage on adjacent properties should not be adversely affected; 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 C Special Section 1160 (R1-1160)', according to By-law 270-2004, as amended and is subject to the Mature Neighbourhood Area policies which has additional standards to ensure that proposed residential additions and replacement dwellings within older mature neighbourhoods are compatible with the existing character of the surrounding area.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing balcony to encroach 3.5m into an existing legal non-complying rear yard setback of 7.0 m, resulting in a minimum setback of 3.5m from the balcony to the rear lot line, whereas the by-law permits a balcony to encroach a maximum of 1.8m into the rear yard.

**Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' as per the Brampton Flowertown Secondary Plan (Area 6). The requested variance is not considered to have a significant impact within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance maintain the general intent and purpose of the Official Plan.

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

The applicant is requesting a variance to permit an existing balcony to encroach 3.50m into an existing legal non-complying rear yard setback of 7.0 m, resulting in a minimum setback of 3.5m from the balcony to the rear lot line, whereas the by-law permits a balcony to encroach a maximum of 1.8m into the rear yard. 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.

In the case of the subject property, the deck is proposed off of the main floor of the dwelling (refer to Appendix A). This configuration results in no loss of permeable landscaping at grade level nor amenity space. The deck 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 deck is not anticipated to impact adjacent properties with respect to privacy concerns. Further, the intent of the proposal is to extend the existing deck to occupy a greater portion of the rear wall of the dwelling without encroaching into the rear yard beyond its present condition. 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 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. No properties will be impacted to the rear of the house as the dwelling abuts an open area, mitigating privacy concerns. A condition of approval is recommended that the applicant obtain a building permit for the constructed deck 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, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

Given the context of the property and the location in which the deck is proposed, the reduced rear yard setback is not expected to generate negative impacts. The deck can be utilized as a form of passive amenity space/ recreation area which adds 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,

*Marcia Razao*

Marcia Razao, Planning Technician

**Appendix A**

