



Report Committee of Adjustment

Filing Date: June 27, 2024
Hearing Date: August 20, 2024

File: A-2024-0248

**Owner/
Applicant:** Devanand Bhagwan, Anupma Bhagwan
Malav Shah

Address: 15 Gleneaden Court

Ward: WARD 8

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0248 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 be aware that the amount of glazed opening on the wall facing the property to the west will be restricted based on the limiting distance as defined in the Ontario Building Code, and is required to conform to Div. B 9. 10. 15.4 of the OBC
 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 Townhouse R3A(4) -Special Section 128 (R3A(4)- SS 128)', according to By-law 270-2004, as amended. Staff also note this property is located within a mature neighbourhood.

Requested Variance:

The applicant is requesting the following variance:

1. To vary Schedule C-Section 128(a) of the By-Law to permit a 176 square metres residential addition in the interior side yard, whereas the by-law requires that all buildings and structures be located in accordance with the building footprint outlined on Schedule C-Section 128(a).

Current Situation:

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Bramalea Secondary Plan (Area 3). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance 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 site specific zone includes a Schedule C that depicts on a plan the building area on a property. Schedule C's are no longer commonly used as they can be overly restrictive in regulating how development additions occur on a site. In this case, the proposed variance to Schedule "C" would facilitate a building addition which alters the building envelope as shown in Schedule "C".

The variance is requested to vary Schedule C-Section 128(a) of the By-Law to permit a 176 square metres residential addition in the interior side yard, whereas the by-law requires that all buildings and structures be located in accordance with the building footprint outlined on Schedule C-Section 128(a). The intent of the by-law in regulating a property via a Schedule "C" provision is to provide a visual representation of the building area on the property. This type of regulations is typically associated with older areas of the City.

The applicant is requesting the variance to facilitate the construction of a one storey addition. The addition maintains all zoning provisions except for deviating from the

building envelope as regulated via Schedule 'C'. The increased building footprint is not anticipated to cause significant negative impacts relating to visual massing of the dwelling. Additionally, staff have recommended the inclusion of a condition referencing the restrictions relating to glazing as regulated by the Ontario Building Code. It is Staff's opinion that 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 vary Schedule C-Section 128(a) of the By-Law to permit a 176 square metres residential addition in the interior side yard, whereas the by-law requires that all buildings and structures be located in accordance with the building footprint outlined on Schedule C-Section 128(a). The building addition requires a variance to alter the building envelope as shown in Schedule "C". Given the location and context of the site, Staff have no concerns with the requested variance to facilitate the addition. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision to ensure that the requested variance is consistent with what is presented in this application. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to facilitate the construction of a 176 square metres one-storey residential addition (sunroom) in the interior side yard. The location of the addition is considered to be appropriately situated and is therefore not anticipated to generate negative impacts on-site or off-site, subject to the requested conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix 1: Site Visit Photos

