



Report Committee of Adjustment

Filing Date: July 19, 2024
Hearing Date: August 20, 2024

File: A-2024-0284

**Owner/
Applicant:** Samir Patel & Nishabel Patel

Address: 62 Newington Crescent

Ward: WARD 10

Contact: Simran Sandhu, Planner I

Recommendations:

That application A-2024-0284 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 amount of glazed openings for the front, rear and side walls of the accessory structure be restricted based on the limiting distance, and shall conform to Division B, 9.10.15.4 of the Ontario Building Code; and,
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached (R2E)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a rear yard setback of 4.05 m to a proposed sunroom addition, whereas the by-law requires a minimum rear yard setback of 7.5m.

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 'Low/Medium Density Residential' in the Bram East Secondary 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 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 rear yard setback of 4.05 metres to a proposed sunroom addition, whereas the by-law permits a minimum rear yard setback of 7.50 metres. 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 on adjacent properties.

The size of the sunroom is proposed to be approximately 56.7 square metres and the existing deck located at the rear of the property is to be converted into the proposed sunroom by enclosing the deck. The sunroom is anticipated to have a height of 6.55 metres and maintains the side yard setback requirements. Therefore, 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 amount of glazed openings for the front, rear, and side walls of the accessory structure be restricted based on the limiting distance, and shall conform to Division B, 9.10.15.4 of the Ontario Building Code. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

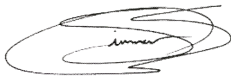
The variance is requested to permit a rear yard setback of 4.05 metres to a proposed sunroom addition, whereas the by-law permits a minimum rear yard setback of 7.50 meters. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity space for the property, nor will it cause privacy concerns for adjacent property's backyards. The existing deck to be converted into a sunroom will not have any negative massing impacts on the adjacent properties as there is adequate separation distance between the structure and the property lines. The proposed sunroom is consistent with the overall appearance and scale of the dwelling and adequate rear yard amenity

space is maintained. As such, the proposed sunroom is intended to be proportional to the size of the dwelling. Subject to recommended conditions of approval, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit a rear yard setback of 4.05 metres to a proposed sunroom addition, whereas the by-law permits a minimum rear yard setback of 7.50 meters. 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,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a hand-drawn oval shape.

Simran Sandhu, Planner I