



Report Committee of Adjustment

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

File: A-2023-0285

**Owner/
Applicant:** KALPAN PATEL & SANDHYAKUMARI PATEL

Address: 66 Newington Crescent

Ward: WARD 10

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2023-0285 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;
 3. That drainage on adjacent properties shall 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 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 4.29 metres (14.07 feet) to a proposed sunroom addition, whereas the by-law requires a minimum rear yard setback of 7.5 metres (24.60 feet).

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 'Low/Medium Density' in the Bram East Secondary Plan (Area 41A). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. 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

Variance 1 is requested to permit a rear yard setback of 4.29 metres (14.07 feet) to a proposed sunroom addition, whereas the by-law requires a minimum rear yard setback of 7.5 metres (24.60 feet). The intent of the by-law in regulating the minimum rear yard setback is to ensure that privacy is maintained on neighbouring properties, that a sufficient amount of recreational space is maintained in the rear yard and that there is an appropriate amount of separation between abutting lands.

The addition to the home will be used as a therapy room for a family member with special needs. The applicant provided staff with Elevation drawings of the proposed sunroom that illustrates that the enclosed area does not extend across the entirety of the rear wall as it will have a width of 5.76 metres (18.88 feet) and an area of approximately 64.33 square metres (692.44 square feet), between the two floors. As the side yard setbacks are maintained and the grading will not be altered, impact on neighbouring properties will be mitigated. The proposed sunroom is not considered to negatively impact the provision recreational space in the rear yard as it will be constructed within an area where a deck is already built. The proposed sunroom can be utilized as a form of passive recreational area on the property and supplements the property's rear yard amenity space. Subject to the recommend conditions of approval, the requested variance maintains the general intent and purpose of the Zoning By-law.

2. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a proposed sunroom addition which will encroach into the required rear yard. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property or cause privacy concerns for abutting property owners. Due to the dwellings sitting on the lot, there is still adequate recreational space as landscaped sections widen towards the

rear of the pie-shaped lot. The deck is fenced throughout the rear yard, which will provide additional screening. The applicant is advised that the amount of glazed openings on the proposed sunroom will be restricted. This is 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 Ontario Building Code. Subject to the conditions of approval, Variance 1 is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to permit a proposed new sunroom that would encroach 3.21 metres (10.53 feet) into the rear yard setback is not anticipated to negatively impact the amenity area for the property as an adequate amount will remain and the structure will enhance the existing amenity space. Following a staff review of the revised proposal, the proposed sunroom maintains the overall character of the community, as other properties in this neighbourhood are two storey dwellings. 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 requested variance is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

