



## Report Committee of Adjustment

**Filing Date:** July 24, 2024

**Hearing Date:** September 17, 2024

**File:** A-2024-0293

**Owner/**

**Applicant:** VIRK SAVERA, SINGH GURPREET, SINGH KULWINDER & KAUR BALBIR

**Address:** 31 New Forest Terrace

**Ward:** WARD 10

**Contact:** Ellis Lewis, Planner I

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### Recommendations:

That application A-2024-0293 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
  2. That drainage on adjacent properties shall not be adversely affected;
  3. 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;
  4. That the Owner is to contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of Minor Variance/ CofA approval; and
  5. 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- Special Section 2909 (R1E-2909)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 4.84 metres (15.88 feet) to a proposed two-storey single detached dwelling, whereas the by-law requires a minimum rear yard setback of 7.5 metres (24.60 feet); and
1. To permit a proposed two-storey single detached dwelling having a building height of 12.1 metres (39.70 feet), whereas the by-law permits a maximum building height of 10.6 metres (34.78 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 'Executive Transition Residential' in the Vales of the Humber Secondary Plan (Area 50). The requested variances are not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed variances are 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 4.84 metres (15.88 feet) to a proposed two-storey single detached dwelling, 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 upheld on adjacent lands, that an adequate amount of amenity space is maintained in the rear yard and that there is an appropriate amount of separation between abutting properties. Due to the sitting of the property on the lot, the requested 4.84 metres (15.88 feet) setback only represents a small portion of the home as the section closer to the rear of the lot has a setback of over 7.0 metres (24.60 feet). As the side yard setbacks are maintained and the grading will not be altered, impact on neighbouring properties will be mitigated. The rear yard setback to the two-storey house is not considered to negatively impact the provision recreational space in the rear yard. Subject to the

recommend conditions of approval, the Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a proposed two-storey single detached dwelling having a building height of 12.1 metres (39.70 feet), whereas the by-law permits a maximum building height of 10.6 metres (34.78 feet). The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing, shadowing or privacy impacts on abutting properties. The increase of 1.5 metres (4.92 feet) to the height that is permitted is not anticipated to significantly contribute to shadowing onto adjacent properties. The proposed Site Plan provides depiction that all applicable side yard setbacks will be maintained, mitigating adverse impacts with respect to massing and shadowing on abutting properties. Subject to the recommended conditions of approval, the Variance 2 maintains the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a rear yard setback of 4.84 metres (15.88 feet) to a proposed two-storey single detached dwelling. The reduction to the setback is not considered to have a significant impact on the development of the land as only a portion of the property will have a reduced setback to the rear yard property line. Variance 2 is requested to permit an increased building height of 12.1 metres (39.70 feet), as it will assist in the development of a two-storey house. The increase of 1.5 metres (4.92 feet) to the height that is permitted is not anticipated to significantly contribute to shadowing onto adjacent properties. Due to the reduced rear yard setback, a condition has been included in the report, stating that the number of glazed openings should be restricted and shall conform to Division B, 9.10.15.4 of the Ontario Building Code. The owner shall also contact the City's Forestry Department to review any existing trees effected by the proposed work. Staff are also aware that this is a home that is not constructed, and it is not subject to the same performance standards as the subdivision located to the north of the property. The newly built home will belong to a new subdivision that will include development on four lots to the south of 23 New Forest Terrace. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

### 4. Minor in Nature

Variance 1 is requested to permit a reduction in the rear yard setback of 2.66 metres (8.72 feet). The reduction is not anticipated to negatively impact the amenity area for the property as an adequate amount will remain. 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 1 is considered minor in nature.

Variance 2 seeks to permit an increased height to a main dwelling and is not expected to create adverse impacts on-site or off-site, nor alter the character of the community. The development will maintain the character of the surrounding area which is primarily single detached homes. The proposed home will be adequately setback from neighbouring properties. Subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planner I