



Report Committee of Adjustment

Filing Date: May 17, 2024
Hearing Date: September 17, 2024

File: A-2024-0177

**Owner/
Applicant:** TEJPAL BEDI, MANJIT BEDI, AND JASVINDER BEDI

Address: 27 Moorcroft Place

Ward: WARD 8

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0177 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 the applicant shall obtain any required approvals or permits and pay all required fees to the satisfaction of the Toronto and Region Conservation Authority;
 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:

The Minor Variance application was deferred from the June 18, 2024 Committee of Adjustment hearing as the Toronto Region and Conservation Authority (TRCA) provided comments recommending deferral of the application to revise the proposed works and address TRCA staff's comments. The TRCA fundamental concerns are associated with the creation of an additional residential unit within a potential flood hazard. The applicant has confirmed that a second dwelling unit was included in error and has provided a revised application form. Provided that the variance is only seeking to construct the proposed deck, TRCA does not have any objection to the approval of the requested variance (see Appendix B).

Existing Zoning:

The property is zoned 'Residential (MZO 171-20)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed deck to encroach 3.1 metres into the rear yard setback, resulting in a setback of 2.9 metres from the deck to the rear property line, whereas the by-law permits a deck to encroach a maximum 2 metres into the rear yard setback, resulting in a required setback of 4 metres from the deck to the rear lot line.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Medium Density' in the Bram East Secondary Plan (Area 41). The Residential designation supports the current use and the requested variance.

As per the Regionally-Approved Brampton Plan the subject property is designated the following:

- Community Areas, Primary Major Transit Station Area (MTSA) – Schedule 1A
- The Gore (QUE-14) MTSA – Schedule 1B
- Neighbourhoods – Schedule 2
- Designated Greenfield Area – Schedule 5
- Neighbourhood (Low-Rise Residential) – Schedule 13k

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 supports the Neighbourhood use and is not considered to have any significant impacts within the context of the Official Plan, Secondary Plan, and Regionally-Approved Official Plan policies, and 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 subject property is currently zoned 'Residential,' (MZO 171-20), according to By-law 270-2004, as amended.

The variance is requested to permit a proposed deck to encroach 3.1 metres into the rear yard setback, resulting in a setback of 2.9 metres from the deck to the rear property line, whereas the by-law permits a deck to encroach a maximum 2 metres into the rear yard setback, resulting in a required setback of 4 metres from the deck to the rear lot line. The intent of the by-law in regulating rear yard encroachments and rear yard setbacks is to ensure that sufficient space is provided for the rear yard amenity are on

the property and that neighbouring properties are not adversely impacted in terms of sightlines or privacy.

The subject property backs onto lands designated as Open Space as per the Brampton Official Plan and is also regulated by the Toronto and Region Conservation Authority. Given that the property backs onto a valleyland/ watercourse corridor area, the increased deck encroachment is not anticipated to adversely impact the land abutting the rear yard. The existing deck meets all other zoning performance standards such as the interior side yard setback requirements outlined in Residential (MZO 171-20) of the Zoning By-law and is not considered to create any massing or privacy issues for surrounding properties. Furthermore, the proposed deck is not considered to negatively impact the provision of rear yard amenity space as it is constructed at the height of the dwelling's main floor and ample amenity area will be provided below the deck. 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 variance is requested to permit a proposed deck encroaching in to the rear yard setback. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property nor will it unreasonably increase the ability to overlook into adjacent properties' backyards. The deck will be constructed above grade and does not detract from the provision of outdoor amenity area as space below the deck can be utilized. Moreover, the rear of the subject property does not back onto any residential properties as it abuts an open space area thereby limiting massing or overlook impacts to surrounding properties. Therefore, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit a proposed deck encroaching into the rear yard setback is not anticipated to have any adverse impacts on adjacent properties or to the provision of outdoor amenity space. Privacy concerns are mitigated as the deck maintains interior side yard setback requirements to the neighbouring properties and abuts an open space area. The deck is not considered to have any negative impacts on the sufficient provision of outdoor amenity space is maintained. 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,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions



Appendix B – Email from TRCA

[EXTERNAL]RE: A-2024-0177 - 27 Moorcroft Place - TRCA comments

AS

Anthony Syhlonyk <Anthony.Syhlonyk@trca.ca>

To

Patel, Rajvi

You forwarded this message on 2024/09/09 1:05 PM.

Reply

Reply All

Forward

Mon 2024/09/09 12:28 PM

Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.

Hello Rajvi,

Further to our conversation today, our fundamental concerns are with respect to the creation of an additional unit within a potential flood hazard. Provided this aspect is to be removed and the proposed variance/development is only seeking to construct the proposed deck, TRCA staff would have no objection to the approval of A-2024-0177.

As the property is within TRCA's Regulated Area, a permit from this office will be required for the deck structure. The applicant should reach out to the undersigned to begin this process.

Regards,

Anthony Syhlonyk, MPlan

Planner

Development Planning and Permits | Development and Engineering Services

T: 1-437-880-1938

E: Anthony.Syhlonyk@trca.ca

A: 101 Exchange Avenue, Vaughan ON L4K 5R6

Toronto and Region Conservation Authority (TRCA) | trca.ca

Toronto and Region

Conservation

Authority

All digital submissions and documents can be submitted to the following e-mail addresses:

Enquiries/ applications within Peel Region municipalities – peelplan@trca.ca

Enquiries/ applications within York Region municipalities – yorkplan@trca.ca

We thank you for your cooperation as we respond to the current situation.