



## Report Committee of Adjustment

**Filing Date:** August 27, 2024  
**Hearing Date:** October 15, 2024

**File:** A-2024-0328

**Owner/  
Applicant:** Leonlehcer E Agcaoili, Jerry Mae Ann Agcaoili, Joshua Aecon Agcaoili  
Muhammad Adnan Tahir

**Address:** 78 Deerpark Crescent

**Ward:** WARD 1

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0328 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. Opening on the wall facing the side yard setback 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 Ontario Building Code;
  3. That drainage shall not be adversely affected on adjacent properties; 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 Special Section 3172 (R2C – 3172 )', according to By-law 270-2004, as amended and is subject to the Mature Neighbourhood Area policies which has additional standards to ensure that proposed residential additions and replacement dwellings within older mature neighbourhoods are compatible with the existing character of the surrounding area..

## Requested Variance:

The applicants are requesting the following variance:

1. To permit an interior side yard setback of 1.23 metres to a proposed second storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 metres of the first storey, or part thereof, plus 0.6 metres for each additional storey, or part thereof, where the lot width is less than or equal to 16 metres.

## **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 subject property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). As per the Regionally-Approved Brampton Plan the subject property is designated 'Community Areas' (Schedule 1A) and 'Neighbourhoods' (Schedule 2).

The dwelling is also located within a Mature Neighbourhood. Official Plan section 4.2.1.20 outlines that development should be compatible with the general size, type and style of dwellings in the neighbourhood. Massing, scale and height of dwelling or building additions should be consistent with the host neighbourhood.

The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary 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 variance is requested to permit an interior side yard setback of 1.23 metres to a proposed second storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 metres of the first storey, or part thereof, plus 0.6 metres for each additional storey, or part thereof, where the lot width is less than or equal to 16 metres. The intent of the by-law in prescribing a minimum interior side yard setback to a dwelling is to ensure sufficient building separation is maintained and massing does not negatively impact adjacent properties.

The applicant is proposing to construct a second storey addition above the attached garage of the existing single detached dwelling. The proposed addition will maintain all zoning requirements with the exception of the second storey interior side yard setback that requires it to be 1.8m. The proposed location and design of the addition is anticipated to be generally similar to other dwelling designs on

Deerpark Crescent, and the variance will facilitate the construction of additional residential space above the garage. Although a reduced setback is requested, the addition will occupy the same footprint of the existing attached garage. Staff have no concerns regarding the proposed addition relating to massing or shadowing on adjacent properties as the 1.23m setback is considered to be sufficient. The 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 an interior side yard setback of 1.23 metres to a proposed second storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 metres of the first storey, or part thereof, plus 0.6 metres for each additional storey, or part thereof, where the lot width is less than or equal to 16 metres. The proposed addition facilitates a reasonable addition of residential space using the existing footprint of the attached garage, without negatively impacting neighboring properties relating to massing or shadowing. The requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is to permit an interior side yard setback of 1.23 metres to a proposed second storey addition. The proposed interior side yard second storey setback is not anticipated to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the addition above the existing garage. Subject to the recommended conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

**Site Visit Photos**

