



Report Committee of Adjustment

Filing Date: September 13, 2024

Hearing Date: October 15, 2024

File: A-2024-0367

**Owner/
Applicant:**

NIRMELA SENANAN & GEWAN JAIKISSOON SENANAN

Address: 54 Hocken Court

Ward: WARD 9

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0367 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 existing open-sided roof structure (Canopy) remain open and not enclosed;
 3. That the applicant obtain a building permit for the deck within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; 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 Single Detached D- Special Section 807 (R1D-807)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing deck to encroach 3.981 metres (13.06 feet) into the rear yard setback, resulting in a rear yard setback of 3.519 metres (11.54 feet) from the deck to the rear lot line, whereas the by-law permits a deck to encroach a maximum of 3.0 metres (9.84 feet) into the rear yard setback, resulting in a required setback of 4.5 metres (14.76 feet) from the deck to the rear lot line;
2. To permit an existing open-sided roof structure (canopy), attached to a main wall of a building, to encroach 4.124 metres (13.53 feet) into the required rear yard, resulting in a rear yard setback of 3.376 metres (11.07 feet), whereas the by-law permits a maximum encroachment of 2.0 metres (6.56 feet) into the required yard; and
3. To permit an interior side yard setback of 0.671 metres (2.20 feet) to an existing open-sided roof structure (canopy), attached to a main wall of a building, whereas the by-law requires a minimum interior side yard setback of 1.2 metres (3.94 feet) on one side and 0.9 metres (2.95 feet) of the other side, with minimum distance between detached dwellings not to be less than 2.1 metres (6.88 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 Density Residential 1' in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested 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 encroachment 3.981 metres (13.06 feet) into the rear yard setback, resulting in a rear yard setback of 3.519 metres (11.54 feet) from the deck to the rear lot line, whereas the by-law permits a deck to encroach a maximum of 3.0 metres (9.84 feet) into the rear yard setback, resulting in a required setback of 4.5 metres (14.76 feet) from the deck to the rear lot line. 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 and to ensure sufficient space is provided for drainage. Additionally, this rear yard setback requirement is put into place to minimize the massing of structures and overlook onto adjacent properties.

Variance 2 is requested to permit an existing open-sided roof structure (canopy), attached to a main wall of a building, to encroach 4.124 metres (13.53 feet) into the required rear yard, resulting in a rear yard setback of 3.376 metres (11.07 feet), whereas the by-law permits a maximum encroachment of 2.0 metres (6.56 feet) into the required yard. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard recreational area for the property.

Variance 3 is requested to permit an interior side yard setback of 0.671 metres (2.20 feet) to an existing open-sided roof structure (canopy), attached to a main wall of a building, whereas the by-law requires a minimum interior side yard setback of 1.2 metres (3.94 feet) on one side and 0.9 metres (2.95 feet) of the other side, with minimum distance between detached dwellings not to be less than 2.1 metres (6.88 feet). The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The open-sided porch structure was constructed without planning and building permit approvals. The applicant is requesting the variances to allow the structure to remain and to facilitate the legalization of the structure through building permit review. The open-sided structure is one-storey in height and the extent of the structure results in a 0.981 metre (3.21 feet) rear yard setback reduction and a 0.53 metre (1.73 feet) interior side yard setback reduction from what the by-law permits. Given the location of the open-sided structure and deck, it is not considered to limit the amenity area in the rear or restrict access to the rear yard. The existing house is a single detached dwelling and has access to the house on both sides of the property. The side yard setback is only reduced in the location where the open-sided structure is placed. The setback along the side of the home up to where the structure in the rear yard is located is at least 1.23 metres (4.03 feet) which meets standard set out in the Zoning By-law. The distance from the as built canopy to the side lot line on the opposite side is 2.563 metres (8.41 feet). Subject to the recommend conditions of approval, Variances 1,2 and 3 maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to allow the existing site conditions relating to an open-sided structure in the rear yard of the residential property, where reductions to the rear yard setback and side yard setback are being sought. The overall size and location of the structure is not anticipated to cause negative visual impacts or contribute to a significant loss of outdoor amenity space. Although setback reductions are requested, the remaining area between structure and property lines is not anticipated to impact drainage or access. As the space is surrounded by a wooden fence located along the rear yard property line, the structure is generally screened in a manner that does not negatively impact neighbouring properties. Conditions of approval are recommended that the open-sided deck and canopy remain unenclosed, as shown on the plans that were provided by the applicant and that the applicant obtain a building permit for the open-sided structure. The variances are considered desirable for the appropriate development of land. Subject to the recommended conditions, the proposed

variances are desirable for the appropriate development of the land. Subject to the conditions of approval, Variances 1, 2 and 3 are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit a reduced rear yard and side yard setback are not anticipated to negatively impact the amenity area for the property. With consideration to the size of the property, the existing open-sided structure is not anticipated to detract from access to outdoor amenities or create adverse impacts on-site or off-site. A condition of approval is recommended that the extent of the variances 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 and that the open-sided structure is not enclosed. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

