



Report Committee of Adjustment

Filing Date: September 19, 2024

Hearing Date: November 12, 2024

File: A-2024-0373

**Owner/
Applicant:** Mohamed Shamir Sultan & Jo Ann Sultan
Rohit Kumar

Address: 1 Rogers Road

Ward: 1

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0373 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 shall not be adversely affected on adjacent properties;
 3. That the applicant/owner submit a Custom Home Application for Architectural Control;
 4. That the applicant submit a Tree Preservation Plan prior to Custom Home approval to the satisfaction of the Director of Development Services and the Director of Parks Maintenance and Forestry;
 5. That the applicant/owner 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. A tree removal permit will be required; and
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 1.216 metres to a proposed detached house, whereas the by-law requires a minimum interior side yard setback of 1.8 metres; and
2. To permit a lot coverage of 34.38%, whereas the by-law permits a maximum lot coverage of 30%

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). Furthermore, the property is located within a Mature Neighbourhood. The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and 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.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit an interior side yard setback of 1.216 metres to a proposed detached house, whereas the by-law requires a minimum interior side yard setback of 1.8 metres. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained between dwellings.

The dwellings main floor southern wall is proposed to be constructed requiring a 0.584m setback reduction from what the by-law permits. The wall at the second level maintains the minimum interior side yard setback requirements. The variance is only required for the first storey portion of the southern wall and is requested to facilitate the proposed design of the dwelling. The reduction is not anticipated to cause significant negative impacts relating to the visual massing of the dwelling. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a lot coverage of 34.38%, whereas the by-law permits a maximum lot coverage of 30%. The general intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriate to the size of the property and does not detract from the provision of open space.

The owner is proposing to demolish the existing one-storey detached residential dwelling on the property and construct a new two-storey detached residential dwelling. The subject property has an approximate area of 828.60 square metres and is rectangularly shaped. The proposed new detached dwelling will have an approximate total area of 282.14 square metres (3,037 sq ft). The 4.38% increase in lot coverage is not anticipated to detract from the provision of outdoor amenity area on the property. Given the size of the lot and the extent of the proposed the proposed dwelling, the increase in lot coverage is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to facilitate the construction of a new dwelling on the subject property. The variances are to permit a minor decrease to the interior side yard setback to a proposed detached dwelling and lot coverage. The reduced interior side yard setback is not anticipated to significantly contribute to undesirable visual massing or shadowing impacts as the proposed extension will maintain the general character of the neighbourhood. The increase in lot coverage is not anticipated to impact the scale of the dwelling in a significant way or contribute to the overdevelopment of the lot. The configuration of the proposed dwelling is considered to be appropriate and compatible with the subject property and neighbouring homes. Furthermore, sufficient space will be maintained for outdoor amenity area on the property. Conditions of approval are provided that the applicant/owner submit a Custom Home Application for Architectural Control; the owner is advised a Tree Inventory and Protection Plan will be required for review as part of the Custom Home Application process. A further condition of approval is provided that the applicant/owner 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. A tree removal permit will be required. Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit increases to the proposed building lot coverage and reduced interior side yard setback are requested to facilitate the proposed development of a new two-storey detached residential dwelling on the property. The reduced interior yard setback of 1.216m applies to a small portion of the dwelling and is not anticipated to significantly impact shadowing or contribute to a massing that imposes onto adjacent properties. The proposed side are rear yard setbacks are not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the building. The requested lot coverage is a minor increase from what the by-law permits. The variance for added lot coverage represents an increase of 4.38% from the existing building and is not considered to contribute to the over development of the property. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

