



Report Committee of Adjustment

Filing Date: September 23, 2024

Hearing Date: November 12, 2024

File: A-2024-0376

**Owner/
Applicant:** SUKHVIR KHATRA & RUPINDER KHATRA

Address: 25 GAMSON CRESCENT

Ward: WARD 9

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0376 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 existing open-sided roof structure (Canopy) remain open-sided and shall not be enclosed;
 3. That the applicant obtain a building permit for the deck within 90 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 F (R1F)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing open-sided roof structure (canopy), attached to a main wall of a building, to encroach 3.4 metres (11.54 feet) into the rear yard setback, resulting in a setback of 4.1 metres (13.45 feet) from the roof structure to the rear lot line, whereas the by-law permits a roof structure to encroach a maximum 2.0 metres (6.56 feet) into the rear yard setback, resulting in a required setback of 5.5 metres (18.04 feet) from the roof structure to the rear lot line;
2. To permit an existing deck to encroach 3.4 metres (11.15 feet) into the rear yard setback, resulting in a setback of 4.1 metres (13.45 feet) from the deck to the rear lot line, whereas the by-law permits a deck to encroach a maximum 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; and
3. To permit an existing accessory structure (shed) in an exterior side yard, whereas the by-law does not permit an accessory structure in an exterior side yard, unless otherwise permitted.

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 1 Residential' 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 an existing open-sided roof structure (canopy), attached to a main wall of a building, to encroach 3.4 metres (11.54 feet) into the rear yard setback, resulting in a setback of 4.1 metres (13.45 feet) from the roof structure to the rear lot line, whereas the by-law permits a roof structure to encroach a maximum 2.0 metres (6.56 feet) into the rear yard setback, resulting in a required setback of 5.5 metres (18.04 feet) from the roof structure to the rear lot line. The intent of the by-law in requiring a minimum rear yard setback is to ensure that adequate space is provided for the rear yard recreational area of the property.

Variance 2 is requested to permit an existing deck to encroach 3.4 metres (11.15 feet) into the rear yard setback, resulting in a setback of 4.1 metres (13.45 feet) from the deck to the rear lot line, whereas the by-law permits a deck to encroach a maximum 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.

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 0.4 metre (1.31 feet) rear yard setback reduction. Given the location of the canopy 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 rear yard on both sides of the property, as side yard setbacks of the property are maintained. On the western side of the lot, there is a 3.24 metre (10.63 feet) path of travel and on the eastern side of the house, the path of travel is 1.24 metres (4.068 feet). Subject to the recommended conditions of approval, Variances 1 and 2 maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing accessory structure (shed) in an exterior side yard, whereas the by-law does not permit an accessory structure in an exterior side yard, unless otherwise permitted. The intent of the by-law in disallowing an accessory structure in an exterior side yard is to ensure that the appearance of the structure does not negatively impact the overall streetscape. Due to the configuration of the corner lot, the existing accessory structure is subject to the side yard requirements of the Zoning by-law. In this case, only a small portion of the roof of the structure is visible from the street. Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting two variances to permit 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. 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 a rear yard setback reduction is 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 and 2 are desirable for the appropriate development of the land.

Variance 3 is requested to permit an accessory structure in the exterior side yard whereas the by-law does not permit an accessory structure in the exterior side yard. Given the context of the site, Staff do not have concerns with the accessory structure's location in the southern portion of the lot. The setback distance from the rear and side lot lines for the shed are 0.6 metres (2.0 feet) which allow for maintenance of the accessory structure and fence. Subject to the recommended conditions of approval, Variance 3 is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit a reduced rear yard setback to a open-sided canopy and deck are not anticipated to negatively impact the amenity area for the property. With consideration to the size of the single-detached home, 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, Variances 1 and 2 are considered to be minor in nature.

Variance 3 is requested to permit an accessory structure in an exterior side yard. Staff do not anticipate any substantial impacts to the streetscape as only a small section of the roof is visible to the public. Subject to the recommended conditions of approval, the Variance 3 is minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

