



Report Committee of Adjustment

Filing Date: October 01, 2024
Hearing Date: November 12, 2024

File: A-2024-0380

**Owner/
Applicant:** **Gurbir Deol
Pavneet Kaur**

Address: **14 Benjamin Thorne Road**

Ward: Ward 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0380 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 permeable landscaping be reinstated in accordance with the sketch attached to the notice of decision to the satisfaction of the Director of Development services;
 3. That the open roofed not be modified to become enclosed;
 4. That drainage on adjacent properties not be adversely affected; and
 5. 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 – Special Section 2256 (R1F-SS 2256)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 1.73 metres to an existing open roofed porch whereas the by-law requires a minimum rear yard setback of 4.5 metres to an open roofed porch;
2. To permit a rear yard setback of 1.73 metres to an existing deck off the main floor whereas the by-law requires a minimum rear yard setback of 3.5 metres to a deck off the main floor; and
3. To permit 0.3 metres of permeable landscaping abutting the side lot line on one side and 0.0 metres of permeable landscaping abutting the side lot line on the other side, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting both side lot lines.

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 / Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). The requested variances have 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.

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

The variances are requested to permit a rear yard setback of 1.73 metres to an existing open roofed porch whereas the by-law requires a minimum rear yard setback of 4.5 metres to an open roofed porch; to permit a rear yard setback of 1.73 metres to an existing deck off the main floor whereas the by-law requires a minimum rear yard setback of 3.5 metres to a deck off the main floor; and to permit 0.3 metres of permeable landscaping abutting the side lot line on one side and 0.0 metres of permeable landscaping abutting the side lot line on the other side, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting both side lot lines. 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 amenity area for the property. Additionally, the intent of the by-law in maintaining a 0.6m of permeable landscaping is to help mitigate the effects of runoff, while assisting as a regulation to maintain driveway size standards impacting the City's ability to ensure properties there are not exceeding cars or hardscaping.

The location and the configuration of the existing open roofed porch/deck relative to the lot size and surrounding size ensures that the reduction in the rear yard setback will not generate massing and privacy impacts as the proposed deck maintains sufficient distance between neighboring properties. Additionally, the subject property still maintains sufficient amenity space in the rear yard. Staff are of the opinion that the removal of existing concrete/gravel in front of the dwelling and alongside the driveway to reinstate 0.3m permeable landscaping helps mitigate runoff and excessive hardscaping conditions that currently exist. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The Variances are to permit a rear yard setback of 1.73 metres to an existing open roofed porch whereas the by-law requires a minimum rear yard setback of 4.5 metres to an open roofed porch, to permit a rear yard setback of 1.73 metres to an existing deck off the main floor whereas the by-law requires a minimum rear yard setback of 3.5 metres to a deck off the main floor; and to permit 0.3 metres of permeable landscaping abutting the side lot line on one side and 0.0 metres of permeable landscaping abutting the side lot line on the other side, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting both side lot lines. Given the size of the rear yard and the configuration of the existing open roofed porch/deck, the existing structure is not anticipated to limit the overall provision of amenity space or cause negative visual impacts. Additionally, the reinstatement of 0.3m permeable landscaping helps mitigate concerns relating to excessive hardscaping. Subject to the recommended conditions, the variance is desirable for the appropriate development of the land.

4. Minor in Nature

In relation to the requested Variances, the existing open roofed porch/deck and 0.3m permeable landscaping is not anticipated to negatively impact the function of the rear yard amenity space nor impact drainage for the subject property. Privacy concerns are mitigated as the open roofed porch/deck maintains the interior side yard setback requirements to the neighbouring properties. As well, the addition of permeable landscaping mitigates concerns from staff relating to drainage issues, and excessive parking and hardscaping. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

