



Report Committee of Adjustment

Filing Date: October 11, 2024
Hearing Date: November 12, 2024

File: A-2024-0396

**Owner/
Applicant:** John Medley, Akua Medley
Valdemar Oliveira

Address: 18 Roulette Crescent

Ward: Ward 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0396 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 drainage on adjacent properties not be adversely affected; and
 3. 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 2452(R1F-SS 2452), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed deck having a setback of 2.39 metres (7.84 feet.) to the rear lot line, whereas the by-law requires a minimum of 3.5 metres (11.48 feet.) setbacks for a wood deck off the main floor to the rear lot line.

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 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.

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

The variance is requested to permit a rear yard setback of 2.39 metres to a proposed deck, whereas the by-law requires a minimum rear yard setback of 3.5 metres. 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.

The location and the configuration of the proposed 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. Subject to the recommended conditions of approval, 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 a rear yard setback of 2.39 metres to a proposed deck, whereas the by-law requires a minimum rear yard setback of 3.5 metres. Given the size of the rear yard and the configuration of the proposed deck, the proposed deck is not anticipated to limit the overall provision of amenity space or cause negative visual impacts. 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 Variance, the proposed deck is not anticipated to negatively impact the function of the rear yard amenity space. Privacy concerns are mitigated as the deck maintains the interior side yard setback requirements to the neighbouring properties. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

