



Report Committee of Adjustment

Filing Date: November 7th, 2024
Hearing Date: December 10th, 2024
File: A-2024-0426
**Owner/
Applicant:** Pushpinder Gill & Baljodh Gill
Manjinder Kaur
Address: 44 Willow Park Drive
Ward: WARD 9
Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0426 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 amount of glazed openings on the wall facing the existing dwelling and adjacent side yard setbacks will be restricted based on the limiting distance as defined in the Ontario Building Code, and is required to conform to Div. B 9.10.15.4 of the Ontario Building Code; 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 D Special Section 881 (R1D-881)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a rear yard setback of 6.126 metre to a proposed sunroom addition whereas the by-law requires a minimum rear yard setback of 7.5 metre.

Current Situation:

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

The property is designated 'Residential' in the 2006 Official Plan and 'Residential' in the Brampton Flowertown Secondary Plan (Area 6). 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 requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintain 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 6.126 metres to a proposed sunroom addition, whereas the by-law permits a minimum rear yard setback of 7.50 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 and that adequate space is provided for drainage. Additionally, the rear yard setback requirement is in place to minimize the massing of structures and maintain privacy rights for adjacent properties.

In the case of the subject property, the existing deck off the main floor of the dwelling will be enclosed and converted into a sunroom. This configuration results in no significant loss of permeable landscaping or amenity space given the size of the rear yard. The deck can be utilized as a form of passive recreational area which adds to the property's rear yard amenity space. The height and massing of the sunroom is not anticipated to impact adjacent properties with respect to privacy concerns. A condition of approval is recommended that the amount of glazed openings for the front, rear, and side walls of the accessory structure be restricted based on the limiting distance, and shall conform to Division B, 9.10.15.4 of the Ontario Building Code. Subject to the recommended conditions of approval, the requested 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 6.126 metres to a proposed sunroom addition, whereas the by-law permits a minimum rear yard setback of 7.50 meters. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity space for the property, nor will it cause privacy concerns for adjacent property's backyards. The existing deck to be converted into a sunroom will not have any negative massing impacts on the adjacent properties as there is adequate separation distance between the structure and the property lines. The proposed sunroom is consistent with the overall appearance and scale of the dwelling and adequate rear yard amenity space is maintained. As such, the proposed sunroom is intended to be proportional to the size of the dwelling.

Subject to recommended conditions of approval, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

Given the context of the property and the location in which the sunroom is proposed, the reduced rear yard setback is not expected to generate negative impacts. The deck can be utilized as a form of passive amenity space/ recreation area which adds to the property's rear yard amenity space. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A (Site Photos)

