



## Report Committee of Adjustment

**Filing Date:** October 28, 2024  
**Hearing Date:** February 25, 2024

**File:** A-2024-0409

**Owner/  
Applicant:** **Mohammad Shahzad, Ayesha Zahid Hussain  
Valiuddin Mohammed**

**Address:** **22 Fruitvale Circle**

**Ward:** Ward 6

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0409 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be to permit a rear yard setback of 1.46 metres to an existing deck and be limited to that shown on the revised sketch attached to the Notice of Decision;
  2. The owner shall obtain a building permit, within 60 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;
  3. That the existing roof structure included in the sketch over the below grade entrance be maintained as unenclosed;
  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 2556 (R1F-SS 2556)', 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 1.61 metres to an existing deck, whereas the by-law requires a minimum rear yard setback of 3.5 metres to a deck off the main floor.
  - A revised sketch was submitted and reviewed following the issuance of the public notice. A setback of 1.46 metres is requested in association with the existing deck.

**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 1.46 metres to an existing deck, whereas the by-law requires a minimum rear yard setback of 3.5 metres to a deck off the main floor. 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 existing 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 existing 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 1.46 metres to an existing deck, whereas the by-law requires a minimum rear yard setback of 3.5 metres to a deck off the main floor. Given the size of the rear yard and the configuration of the existing deck, the deck is not anticipated by Staff 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 existing 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

### **Appendix A: Site Visit Photos**



## Appendix B: Revised Site Plan

