



Report Committee of Adjustment

Filing Date: December 13th, 2024
Hearing Date: February 25th, 2025

File: A-2024-0457

Agent: Aryan Sharma
Owner: Agyei Peprah-Asiase, Irene Sarpong Peprah-Asiase

Address: 5 Sutherland Avenue

Ward: Ward 1

Contact: Marina Shafagh, Planner I, Development

Recommendations:

That application A-2024-0457 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. The owner to obtain a building permit for any alterations to the building prior to occupancy of the unit;
 3. That the second-story addition and the requested setback relief shall not impact any existing trees.
 4. That all existing trees must be identified on the plan and protected with tree preservation fencing at the dripline.
 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 B (R1B Zone)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a front yard setback of 5.29 meters for a proposed second-story addition, whereas the by-law requires a minimum front yard setback of 6.0 meters.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 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 is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is 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 a front yard setback of 5.29 meters for a proposed second-story addition, whereas the by-law requires a minimum front yard setback of 6.0 meters. The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking, landscaped area and to maintain consistency in the placement of houses along the street.

The variance to reduce the front yard setback is prompted by altering the original layout and footprint of an existing legal non-complying building due to the addition of a second story and its overhang, even though the current front yard setback of 5.29 meters is already in place. The existing front yard provides adequate space for parking and landscaping and aligns with the character of the surrounding area. The proposed addition is also compatible with the overall character of the area and is consistent with the architectural forms of other existing houses along the street.

Subject to the recommend conditions of approval, variance 1 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

This minor variance application is requested to permit the construction of a second storey addition requiring zoning relief to reduce the front yard setback. The existing front yard setback of 5.29 meters

has been identified as being a legal non-complying situation; however, due to the addition of a second story and changes to the original building footprint, the front yard setback no longer complies with the Zoning By-law. The reduced front yard setback is considered by staff to not impact space for parking or landscaping and will continue to function properly as it currently does. Therefore, the variance is deemed desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is requested to permit the existing site conditions, specifically a reduced front yard setback due to the addition of a second story and alteration of the original footprint of a legal noncomplying building. Staff has determined that the existing front yard area will continue to provide sufficient space for parking and landscaping and is consistent with the overall character of the surrounding area. Therefore, Variance 1 is considered to be minor in nature.

Respectfully Submitted,

Marina Shafagh

Marina Shafagh
Planner I, Development

Appendix A

