



Report Committee of Adjustment

Filing Date: December 24, 2024

Hearing Date: February 25, 2025

File: A-2025-0005

**Owner/
Applicant:** **NORMA JASODYA MANOHAR**

Address: **42 Beckenham Road**

Ward: WARD 8

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2025-0005 is supportable, subject to the following conditions being imposed:

1. That the extent of variances 1, 2, and 3 be limited to that shown on the sketch attached to the Notice of Decision;
2. That drainage on adjacent properties shall not be adversely affected and that drainage from the proposed roof must flow onto the applicant's property;
3. That the amount of glazed openings for the rear and side walls of the addition be restricted based on the limiting distance, and shall conform to Division B, 9.10.15.4 of the Ontario building Code;
4. That the applicant obtain a building permit for the sunroom 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;
5. That the owner provide Staff with documentation of the final driveway condition inclusive of the width measuring 7.30 metres (23.9 feet) and reinstate landscaped areas as depicted in the submitted Site Plan within 90 days of the Committee's decision or within an extended period of time at the discretion of the Director of Development Services;
6. That the owner reinstates the driveway and landscape areas in accordance with the sketch attached to the Notice of Decision and reduced driveway width to 7.30 metres (23.9 feet) shall be maintained; and

7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Upon further review of the application and the issuance of public notices, the applicant and owner collaborated with City Staff to provide a revised Site Plan. The updated plan reinstates permeable landscaping features between the western side lot line and the driveway. Based on the review and receipt of the revised sketch, the wording of the previously identified variances was adjusted to accurately reflect the updated figures.

The originally requested variances, as stated in the public notice, are as follows:

1. To permit a rear yard setback of 5.62 metres (18.43 feet) to an existing sunroom addition, whereas the By-law requires a minimum rear yard setback of 7.5 metres (24.61 feet);
2. To permit the eaves of an existing sunroom addition to encroach a maximum of 1.25 metres (4.10 feet) into the required rear yard, resulting in a minimum rear yard setback of 3.87 metres (12.70 feet), whereas the By-law permits the eaves to encroach a maximum of 0.5 metres (1.64 feet) into any rear yard;
3. To permit a driveway width of 7.51 metres (24.64 feet), whereas the By-law permits a maximum driveway width of 7 metres (22.97 feet); and
4. To permit 0.4 metres (1.3 feet) of permeable landscaping abutting the side lot line, whereas the By-law requires a minimum 0.6 metres (1.97 feet) of permeable landscaping abutting the side lot line.

After further review, the following variances are now required:

1. To permit a rear yard setback of 5.62 metres (18.43 feet) to an existing sunroom addition, whereas the By-law requires a minimum rear yard setback of 7.5 metres (24.61 feet);
2. To permit the eaves of an existing sunroom addition to encroach a maximum of 1.25 metres (4.10 feet) into the required rear yard, resulting in a minimum rear yard setback of 3.87 metres (12.70 feet), whereas the By-law permits the eaves to encroach a maximum of 0.5 metres (1.64 feet) into any rear yard; and
3. To permit a driveway width of 7.30 metres (23.9 feet), whereas the By-law permits a maximum driveway width of 7 metres (22.97 feet)

Existing Zoning:

The property is zoned 'Residential Single Detached C – Special Section 1849 (R1C-1849)', 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 5.62 metres (18.43 feet) to an existing sunroom addition, whereas the By-law requires a minimum rear yard setback of 7.5 metres (24.61 feet);
2. To permit the eaves of an existing sunroom addition to encroach a maximum of 1.25 metres (4.10 feet) into the required rear yard, resulting in a minimum rear yard setback of 3.87 metres (12.70 feet), whereas the By-law permits the eaves to encroach a maximum of 0.5 metres (1.64 feet) into any rear yard; and
3. To permit a driveway width of 7.30 metres (23.9 feet), whereas the By-law permits a maximum driveway width of 7 metres (22.97 feet)

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 Bram East Secondary Plan (Area 41). The Official Plan establishes policies that facilitate the growth and maintenance of complete residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. As per Section 4.2.1.14 of the City of Brampton Official Plan, driveways are listed as key design areas. The layout of the driveway should be in such a manner that it complements and is consistent with the overall streetscape aesthetic. The requested variances are not considered to have significant impacts within the context of the Official Plan policies and 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 rear yard setback of 5.62 metres (18.43 feet) to an existing sunroom addition, whereas the By-law requires a minimum rear yard setback of 7.5 metres (24.61 feet). The request seeks to reduce the rear yard setback by 1.88 metres (6.16 feet). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the amenity area in the rear of the property and to ensure sufficient space is provided for drainage. Additionally, this rear yard setback requirement is put into place to minimize privacy concerns on adjacent properties.

Variance 2 is requested to permit the eaves of an existing sunroom addition to encroach a maximum of 1.25 metres (4.10 feet) into the required rear yard, resulting in a minimum rear yard setback of 3.87 metres (12.70 feet), whereas the By-law permits the eaves to encroach a maximum of 0.5 metres (1.64 feet) into any rear yard. The intent of the by-law in regulating a minimum setback for the eaves of a sunroom is to ensure that drainage from the structure flows onto the subject property and does not have an impact on neighbouring lands.

The sunroom can be utilized as a form of passive recreational area which adds to the property's rear yard recreational space. As such, the addition is not anticipated to negatively impact the rear yard amenity area for the property given the size of the rear yard. A condition of approval is recommended that the amount of glazed openings for the rear and side walls of the addition be restricted based on the limiting distance, and shall conform to Division B, 9.10.15.4 of the Ontario building Code. City Engineering Staff have reviewed the application and do not have concerns regarding the drainage from the eaves on site. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a driveway width of 7.30 metres (23.9 feet), whereas the By-law permits a maximum driveway width of 7 metres (22.97 feet). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and to prevent the parking of an excessive number of vehicles in front of the dwelling. With an addition of 0.30 metres (1 foot), Staff are of the opinion that the driveway width is not considered to facilitate an excessive number of vehicles being parked in front of the dwelling or significantly impact drainage on the site. Furthermore, there is an appropriate balance of landscaping remaining on the property. Subject to the recommended conditions of approval, Variance 3 maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is associated with the reduction of the rear yard setback, as a result of a constructed sunroom. In addition, another variance was added to the application which speaks to permitting the eaves of an existing sunroom addition to encroach a maximum of 1.25 metres (4.10 feet) into the required rear yard, resulting in a minimum rear yard setback of 3.87 metres (12.70 feet), whereas the By-law permits the eaves to encroach a maximum of 0.5 metres (1.64 feet) into any rear yard.

The reduced rear yard setback is not anticipated to negatively impact the amenity area of the property, nor will it cause privacy concerns for adjacent property's backyards, as a fence surrounds the rear yard. As the addition is set back from the property line by over 5 metres, Staff do not anticipate concerns regarding the visual massing of the structure. The sunroom addition is only one storey, alleviating concerns surrounding massing and shadowing. Conditions of approval have been included in the Staff

Report, stating that drainage flow onto the owner's property and drainage on adjacent lands shall not be negatively impacted. Subject to the conditions of approval, Variances 1 and 2 are desirable for the appropriate development of the land.

Variance 3 seeks to permit an existing driveway width which exceeds the requirement that is set out in the Zoning By-law. The applicant provided a revised Site Plan (Appendix B), depicting landscaping features abutting side of the driveway and the side yard property line that will be reinstated, alleviating concerns surrounding drainage, while maintaining neighbourhood character and design. While the total width of the driveway exceeds the maximum requirements of the Zoning By-Law, the materials and design maintain a certain aesthetic quality which does not detract from the streetscape and limits the number of vehicles to be parked on the driveway. The property continues to maintain a substantial appropriate amount of landscaped area at the front of the property. A condition has been included in the report, stating that the applicant should provide Staff with documentation of the final driveway condition, inclusive of the width measuring 7.30 metres (23.9 feet) and that this width should not be increased. Reinstatement of the landscaping features should be completed within 90 days of the Committee's decision or within the given extended period of time. Subject to the recommended conditions of approval, Variance 3 is appropriate for the development of the land.

4. Minor in Nature

Variance 1 is being requested to permit a constructed sunroom that would encroach into the rear yard and reduce the setback distance to 5.62 metres (18.43 feet). Variance 2 is being requested to permit the eaves of an existing sunroom addition to encroach a maximum of 1.25 metres (4.10 feet) into the required rear yard, resulting in a minimum rear yard setback of 3.87 metres (12.70 feet). The addition is not anticipated to negatively impact the recreational area on the property as an adequate amount will remain and the structure will enhance the existing amenity space. The sunroom is outfitted with eaves and a downspout to direct drainage flows. As the sunroom has already been constructed, a condition has been included in the report, citing that a building permit should be obtained within 60 days of the Committee's decision. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the setback is consistent with what is presented in this application. Subject to the recommended conditions of approval, the Variances 1 and 2 are considered minor in nature.

Variance 3 is requested to permit an increased driveway width in the front yard of the dwelling. The applicant has submitted a revised drawing, depicting that landscaped areas abutting the side lot line will be reinstated. These variances are not considered to be ones that will significantly impact the amount of available outdoor amenity space, permeable landscaping or significantly affect drainage on the subject property or adjacent properties. Variance 3 is considered to be minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:



