



## Report Committee of Adjustment

**Filing Date:** January 16, 2025  
**Hearing Date:** February 25, 2025

**File:** A-2025-0010

**Owner/  
Applicant:** Thangrasa Kirubakaran, Kirubakaran Dilani  
Rajesuranaran Balasundaram

**Address:** 24 Caboose Street

**Ward:** WARD 6

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2025-0010 be refused.

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### **Background:**

This application pertains to an existing structure located in the rear yard. The structure was constructed without the necessary permits and has been subject to ongoing enforcement action since July 2023.

Prior to preparing this report, City staff engaged with the applicant, requesting that they collaborate with the property owner to reduce the overall size of the structure to achieve a greater setback. However, the applicant indicated that the owner was not willing to modify the structure or amend the application.

While City staff acknowledge the owner's willingness to remove the structure after a specified period, they remain concerned that the reduced setback will negatively impact privacy, drainage, and amenity space during its presence. These concerns are reinforced by the ongoing enforcement action.

### Existing Zoning:

The property is zoned 'Residential Single Detached Special Section 2556 (R1F-2556)', according to By-law 270-2004, as amended.

### Requested Variance:

The applicant is requesting the following variance:

1. To permit a 0.62 metres setback to an existing building addition (open, roofed porch), whereas the by-law requires a minimum setback of 4.5 metres for open roofed porches and or uncovered terraces.

**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 variances are not considered to have significant impacts within the context of the Official Plan policies. 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

The variance is requested to permit a 0.62 metres setback to an existing building addition (open, roofed porch), whereas the by-law requires a minimum setback of 4.5 metres for open roofed porches and or uncovered terraces. 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. After conducting a site visit and considering the ongoing enforcement relating to the as built structure Staff are of the opinion that the reduced setback to 0.62 metres does not maintain adequate drainage or amenity space. Therefore, the requested variances are considered not 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 0.62 metres setback to an existing building addition (open, roofed porch), whereas the by-law requires a minimum setback of 4.5 metres for open roofed porches and or uncovered terraces. Staff anticipate that the reduced rear yard setback negatively impacts the rear yard amenity area for the property and causes privacy concerns for adjacent property's backyards. As the existing structure is erected close to the rear property line and minimal screening is provided Staff are of the opinion that the existing structure negatively impacts neighbouring properties. Therefore, the requested variances are not desirable for the appropriate development of the land.

4. Minor in Nature

The Variance is requested to permit a 0.62 metres setback to an existing building addition (open, roofed porch), whereas the by-law requires a minimum setback of 4.5 metres for open roofed porches and or uncovered terraces. Staff are of the opinion that due to the minimal remaining amenity area left remaining that this existing structure is not minor in nature. Therefore, Staff consider it not to be minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

**Appendix 1: Site Visit Photos**

