



## Report Committee of Adjustment

**Filing Date:** February 4, 2025

**Hearing Date:** March 25, 2025

**File:** A-2025-0018

**Owner/  
Applicant:** Minesh Naidu & Alveena Naidu / Eduardo Peres EKP Designs Inc.

**Address:** 4 Nectarine Crescent

**Ward:** WARD 7

**Contact:** Courtney Sutherland, Assistant Development Planner

---

### **Recommendations:**

That application A-2025-0018 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. The owner shall obtain a building permit within 60 days of the decision of approval, or for an extended period of time at the discretion of the Chief Building Official;
  3. That the existing addition shall not be used for the purpose of an unregistered additional residential unit; and
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

The applicant is proposing a variance to facilitate a two-storey residential building addition along the southeast wall of the dwelling facing Nectarine Crescent which is currently under construction.

A Building Permit application for the two-storey addition was accepted in error and did not meet the minimum interior side yard setback requirements. The applicant applied for this Minor Variance as the Building Permit could not be approved and the applicant was advised that they required the variance

from the by-law to permit the side yard setback to the addition. As such, the construction of the two-storey addition is ongoing.

Existing Zoning:

The property is zoned 'Residential Single Detached R1C Special Section 467 (R1C-467)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 1.53 metres to an existing two storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 m to the first storey, or part thereof, plus 0.6 m for each additional storey, or part thereof, where the lot width is less than or equal to 16 m.

**Current Situation:**

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

The subject lands are designated 'Community Areas' (Schedule 1A – City Structure) and are designated 'Neighbourhoods' (Schedule 2 - Designations) in the Brampton Plan Official Plan, and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). 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. Furthermore, the subject property is located in a Mature Neighbourhood. The requested variance seeks to permit an existing two storey addition. Due to the location of the existing addition, a variance is required to accommodate the reduced interior side yard setback.

According to Sections 2.2.7 and 2.2.7.1 in the Brampton Plan Official Plan, lands designated as 'Neighbourhoods' are intended to support context-sensitive growth, as well as to foster livability in Brampton, among other policy intents.

As per Brampton Plan Official Plan Section 2.2.7.4, building additions in a Mature Neighbourhood should be compatible with the general size, type, and style of dwellings in the immediate neighbourhood, while the general massing, scale, and height should be consistent with the host neighbourhood.

The requested variance is considered to align with the intended residential use of the subject lands within the context of the Official Plan. The requested variance is also anticipated to foster context-sensitive growth and foster livability, as the existing addition provides a greater area for inhabitants, allowing for the possibility for families to grow in place. The requested variance is not anticipated to have significant negative impacts on the character of the neighbourhood, as it is aligned with the context of the neighbourhood.

Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

## 2. Maintains the General Intent and Purpose of the Zoning By-law

The subject lands are currently zoned 'Residential Single Detached R1C Special Section 467 (R1C-467)', according to By-law 270-2004, as amended.

The variance is requested to permit an interior side yard setback of 1.53 metres to an existing two storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 m to the first storey, or part thereof, plus 0.6 m for each additional storey, or part thereof, where the lot width is less than or equal to 16 m.

The intent of the by-law in regulating the required interior side yard setback to a two-storey addition is to ensure that sufficient distance is maintained between dwellings, and that the massing of the two storeys does not impose upon adjacent properties. In this instance, the first and second storeys will maintain a 1.53 metre interior side yard setback, thereby being consistent with one another and being appropriate in terms of separation and massing in comparison with adjacent dwellings.

Subject to the 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 applicant is requesting variance 1 to permit an existing two storey addition along the southeast wall of the dwelling facing Nectarine Crescent. The requested variance is intended to permit a decrease in the interior side yard setback to the constructed addition. The reduction in the side yard setback is not anticipated to create undesirable impacts to the streetscape and adjacent dwellings in terms of massing and separation. Additionally, the existing addition is compatible with the neighborhood which it is within.

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

## 4. Minor in Nature

The requested variance will assist in permitting the existing two storey addition. The proposed reduction in the interior side yard setback to the existing two storey addition is not considered to be a significant variation from the minimum requirement in the by-law, and it allows for the design and creation of the two-storey addition. Due to the lot size, lot configuration, and the design and construction of the addition itself, the existing two storey addition does not create significant impacts in terms of massing nor on separation in relation to the streetscape and adjacent dwellings. Subject to the recommended conditions of approval, the requested variance is deemed minor in nature.

Respectfully Submitted,

C Sutherland

Courtney Sutherland, Assistant Development Planner

## Appendix: Site Visit Photos

