



Report Committee of Adjustment

Filing Date: February 14, 2025

Hearing Date: March 25, 2025

File: A-2025-0021

**Owner/
Applicant:** Thomas Fogarty and Sabrina Medeiros Gosta
Gerry Gerwazy Paluszkiewicz

Address: 3 Sparklett Crescent

Ward: WARD 2

Contact: Annie Thomson, Planning Technician

Recommendations:

That application A-2025-0021 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. That drainage on adjacent properties shall not be adversely affected; and
 3. 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 Semi-Detached A(2) (R2A(2))', 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 1.27 metres to a proposed second storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 metres to the first storey or part thereof, plus 0.6 metres for each additional storey, or part thereof.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and further designated as 'Medium Density Residential' in the Snelgrove-Heartlake Secondary Plan (Area 1).

The subject property is also designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (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 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses, as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities while facilitating intensification. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies.

The requested variance is not considered to have significant impacts within the context of the policies of the Official Plan and Secondary Plan 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

The requested variance is to permit an interior side yard setback of 1.27 metres to a proposed second storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 metres to the first storey or part thereof, plus 0.6 metres for each additional storey, or part thereof. The intent of the by-law in regulating the required interior side yard setback to a second storey addition is to ensure that sufficient distance is maintained between dwellings, and that the massing of the second storey does not impose upon the adjacent property. Despite the reduced setback, Staff are satisfied with the proposal, as the addition will occupy the same footprint as the existing attached garage. The addition is not anticipated to negatively impact adjacent properties from a massing or shadowing perspective.

Subject to the recommended 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 variance is requested to permit an interior side yard setback of 1.27 metres to a proposed second storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 metres to the first storey or part thereof, plus 0.6 metres for each additional storey, or part thereof. The proposed addition facilitates a reasonable addition of residential space using the existing footprint of the attached garage, without negatively impacting adjacent properties in terms of massing or shadowing. Further to

this, the proposed addition is consistent with the existing character and architectural style of the neighbouring homes on Sparklett Crescent.

Based on the Building Department's review of the application, the applicant is advised that the amount of glazed openings on the wall facing the side yard setback will be restricted based on the limiting distances as defined in the Ontario Building Code, and is required to conform to Div. B 9.10.15.4 of the OBC.

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

4. Minor in Nature

The requested variance is to permit an interior side yard setback of 1.27 metres to a proposed second storey addition. The proposed interior side yard setback is not anticipated to be a significant deviation from the minimum requirements of the Zoning By-law and will facilitate the overall design of the addition above the existing garage.

Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

Annie Thomson

Annie Thomson, Planning Technician

Appendix A: Site Visit Photos

