



Report Committee of Adjustment

Filing Date: January 22nd, 2025
Hearing Date: April 29th, 2025

File: A-2024-0461

**Owner/
Applicant:** Piratheepan Shanmuganathan
Raj Balasundaram

Address: 122 Eldomar Ave

Ward: WARD 3

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0461 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. That the applicant obtain a Custom House Architectural Control approval prior to the submission of a building permit application;
 3. That the applicant collaborate with Urban Design staff during the Custom Home application process to ensure the design of the dwelling is compatible with the Mature Neighbourhood and complies with the City's urban design guidelines;
 4. That the applicant submits a tree inventory and preservation plan and report as part of the Custom Home application review to the satisfaction of Open Space Development staff;
 5. That the applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required;
 6. 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 (R1A)', according to By-law 270-2004, as amended and is subject to the Mature Neighbourhood Area policies which has additional standards to ensure that proposed residential additions and replacement dwellings within older mature neighbourhoods are compatible with the existing character of the surrounding area.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior side yard setback of 2.10 metres to a proposed two-storey single detached dwelling, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres;
2. To permit a rear yard setback of 8.15 metres to a proposed two-storey single detached dwelling, whereas the by-law requires a minimum rear yard setback of 9.63 metres; and
3. To permit a lot coverage of 34.40%, whereas the by-law permits a maximum lot coverage of 30%.

Current Situation:

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

The property is designated 'Residential' in the 2006 Official Plan and 'Low Density Residential' in the Brampton Flower Town 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 dwelling is also located within a Mature Neighbourhood. Official Plan section 4.2.1.20 outlines that development should be compatible with the general size, type and style of dwellings in the neighbourhood. Massing, scale and height of dwelling or building additions should be consistent with the host neighbourhood. The requested variance is not considered to have significant impacts within the context of the Official Plan policies.

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

Variance 1 is requested to permit an exterior side yard setback of 2.10 metres to a proposed two-storey single detached dwelling, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. Variance 2 is requested to permit a rear yard setback of 8.51 metres to a proposed two-storey single detached dwelling, whereas the by-law requires a minimum rear yard setback of 9.63 metres. The intent of the by-law in requiring

a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property. The requested setbacks accommodate a new custom home on the property, applying only to a portion of the dwelling's wall, while the remaining portion complies with setback requirements. Despite the reduced setbacks, the addition is not anticipated to adversely impact the visual massing or shadowing on adjacent properties. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a lot coverage of 34.40%, whereas the by-law permits a maximum lot coverage of 30%. The general intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriate to the size of the property and does not detract from the provision of open space. The owner is proposing to demolish the existing one-storey detached residential dwelling on the property and construct a new two-storey detached residential dwelling. The 4.40% increase in lot coverage is not anticipated to detract from the provision of outdoor amenity area on the property. Given the size of the lot and the extent of the proposed the proposed dwelling, the increase in lot coverage is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1, 2, and 3 are requested to facilitate the construction of a new dwelling on the subject property. The variances are to permit a minor decrease to the exterior side yard and rear yard setback to a proposed detached dwelling and lot coverage. The reduced exterior side yard and rear yard setback is not anticipated to significantly contribute to undesirable visual massing or shadowing impacts. The increase in lot coverage is not anticipated to impact the scale of the dwelling in a significant way or contribute to the overdevelopment of the lot. Furthermore, sufficient space will be maintained for outdoor amenity area on the property.

Conditions of approval are recommended that the applicant/owner submit a Custom Home Application for Architectural Control; that the applicant collaborate with Urban Design staff during the Custom Home application process to ensure the design of the dwelling is compatible with the Mature Neighbourhood and complies with the City's urban design guidelines the owner is advised a Tree Inventory and Protection Plan will be required for review as part of the Custom Home Application process. A further condition of approval is provided that the applicant/owner to contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required. Variances 1, 2, and 3 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit increases to the proposed building lot coverage and reduced exterior side yard and rear yard setback are requested to facilitate the proposed development of a new two-storey detached residential dwelling on the property. The reduced exterior yard setback of 0.9 metres and reduced rear yard setback of 1.12 metres applies to a small portion of the dwelling and is not anticipated to significantly impact shadowing or contribute to a massing that imposes onto adjacent properties. The proposed reduced exterior side yard and rear yard setback are not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the building. The requested lot coverage is a minor increase from what the by-law permits. The

variance for added lot coverage represents an increase of 4.40% from the existing building and is not considered to contribute to the over development of the property. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A: Site Photos

