



## Report Committee of Adjustment

**Filing Date:** May 26, 2021  
**Hearing Date:** June 22, 2021  
**File:** A-2021-0121  
**Owner/  
Applicant:** BROOKVALLEY DEVELOPMENTS  
**Address:** 47 RAINBROOK CLOSE, BRAMPTON, ON  
**Ward:** WARD 10  
**Contact:** François Hémon-Morneau, Planner I

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### **Recommendations:**

That application A-2021-0121 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 a clause be provided within the agreement of purchase and sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance; 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 Single Detached (R1D-1245)', *according to By-law 270-2004, as amended.*

#### Requested Variance:

*The applicant is requesting the following variance:*

1. To permit a rear yard setback of 9.56m (31.37 ft.) whereas the by-law requires a minimum rear yard setback of 10.0m (32.80 ft.).

### **Current Situation:**

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

The property is designated as 'Residential' in the Official Plan and 'Low Density Residential' in the Springdale Secondary Plan Area (Area 2). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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 requested variance is to permit a rear yard setback of 9.56m (31.37 ft.) whereas the by-law requires a minimum rear yard setback of 10.0m (32.80 ft.). The intent of the By-law in requiring a minimum rear yard setback is to ensure that sufficient outdoor amenity space is provided on the property for the main dwelling.

In the case of the subject property, the requested minimum rear yard setback relates only to a portion of the rear yard. The variance is primarily attributable to the irregular shape of the lot in the rear of the property. The proposed 0.44m (1.44 ft.) reduction in the rear yard setback is not anticipated to negatively impact the provision of outdoor amenity space on the property, and will facilitate the creation of the future residential dwelling. 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 requested variance is required to facilitate the construction of a future residential dwelling. Due to the shape and size of the property, the reduced setback at the rear yard of the property is not anticipated to negatively impact the outdoor amenity area provided on the property. A condition of approval is recommended that a clause be provided within the agreement of purchase and sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance. Subject to the conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to permit a reduced rear yard setback is not anticipated to negatively impact the provision of outdoor amenity space on the subject property and will facilitate the development of a future residential dwelling. It is noted that this reduced setback is not proposed across the entirety of the rear yard but only a small portion of the dwelling. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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