



## Report Committee of Adjustment

**Filing Date:** September 29, 2021  
**Hearing Date:** October 26, 2021

**File:** A-2021-0234

**Owner/  
Applicant:** VISHVJEET BOPARAI AND AMANJEET BOPARAI

**Address:** 14 FAIRMONT CLOSE, BRAMPTON, ON L6Y2Y3

**Ward:** WARD 4

**Contact:** François Hémon-Morneau, Planner I

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### Recommendations:

That application A-2021-0234 is supportable in part, subject to the following conditions being imposed:

1. That the variance to permit a 1.1m side yard setback to the balcony shall be refused.
2. That the variance for a reduced rear yard setback to the balcony be approved in part and that a minimum setback of 3.3m to the rear lot line shall be permitted, provided that the width of the balcony does not exceed a maximum of 50% of the width of the dwelling.
3. The owner shall obtain a building permit for the modified balcony within 60 days of the decision of approval or as extended by the Chief Building Official;
4. That drainage from the modified balcony shall flow onto the applicant's property and adjacent properties not be adversely impacted;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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### Background:

In 2014, the property was subject of a Minor Variance (A14-182) to allow an existing deck with stairs leading to the rear yard that was constructed by the builder prior to the applicants purchasing the dwelling. The original deck required the following variance: *"To allow a deck landing to encroach 3.56 - 3.63 metres (11.68 - 11.90 feet) into the required rear yard setback, resulting in a rear yard setback of 3.87 - 3.94 metres (12.70 - 12.93 feet) whereas the by-law permits a maximum encroachment of*

3.0 metres (9.84 feet), resulting in a rear yard setback of 4.6 metres (15.00 feet)". To summarize, the setback reduction on the builder deck was to allow for a small landing on the run of stairs to the ground. The builder deck was recently modified without building permits and extended which now requires variances to permit reduced setbacks and overall width. It is noted that a revised sketch (Appendix "A") was submitted by the applicant on Friday October 15, 2021 after public notices were sent out. Since the revised sketch depicts dimensions that result in reduction to the requested variance, new public notices were not required.

Existing Zoning:

The property is zoned 'Residential Single Detached E (R1E-19-2126)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing balcony having a setback of 0.5m (1.64 ft.) to the side lot line and 2.6m (8.53 ft.) to the rear lot line and occupying 100% of the width of the rear wall of the dwelling, whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) and permits a balcony having a setback of 4.5m (14.76) to the rear lot line provided that no less than 45% of the unit width is setback 7.5m (24.60 ft.).

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1' in the Vales of Castlemore Secondary Plan (Area 42). 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 variance is requested to permit an existing balcony having a setback of 0.5m (1.64 ft.) to the side lot line and 2.6m (8.53 ft.) to the rear lot line and occupying 100% of the width of the rear wall of the dwelling, whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) and permits a balcony having a setback of 4.5m (14.76) to the rear lot line provided that no less than 45% of the unit width is setback 7.5m (24.60 ft.). The intent of the by-law in requiring minimum setbacks and regulating the size of balconies is to ensure that the size of the balcony is appropriate relative to the dwelling and lot and configured in a manner that does not detract from the provision of outdoor amenity space or impact the privacy of adjacent properties.

The balcony currently occupies 100% of the width of the rear wall of the dwelling which represent a 55% increase from what the By-law permit. This request is considered to greatly detract from the outdoor amenity space and generates concerns over privacy of adjacent properties. Combined, these factors contribute to a balcony with significant massing. The existing condition of the balcony are not

supportable from a planning perspective and do not meet the general intent and purpose of the Zoning By-law.

Through a set of recommended conditions, staff suggest that the balcony be altered in a manner that proposes modest increases to what the by-law permits. As such, conditions of approval are recommended that the variance to permit a 1.1m side yard setback to the balcony shall be refused and that the variance for a reduced rear yard setback to the balcony be approved in part and that a minimum setback of 3.3m to the rear lot line shall be permitted, provided that the width of the balcony does not exceed a maximum of 50% of the width of the dwelling. These recommendations are intended to provide an opportunity for the Committee of Adjustment, if they see fit, to support the application in part, subject to the recommended conditions outlined above. The size of the balcony could be reduced in a manner that is supportable from a planning perspective and that addresses staff concerns.

### 3. Desirable for the Appropriate Development of the Land

The applicant is seeking variances to allow the existing configuration of a balcony which was constructed without a permit. In its current configuration, the balcony is not considered to be desirable for the appropriate development of the land as it is considered to generate negative impacts with respect to the provision of at-grade outdoor amenity space and privacy concerns.

As previously discussed, conditions are recommended by staff which suggest alterations to the existing deck in order to reduce the size and setbacks in a manner that minimizes impacts and is supportable from a planning perspective.

### 4. Minor in Nature

The requested variances to allow the existing balcony are not considered to be minor in nature as they represent a significant increase from what is permitted. Staff have provided recommendations for the Committee's consideration that would require reductions to the existing structure so as to be deemed minor and supportable.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I



## SITE STATISTICS

LOT AREA - 344.9 SQ. MTS.

**EXISTING 2 STOREY BRICK & FRAME BUILDING COVERED  
AREA INCLUDING PORCH & GARAGE - 258.17 SQ. MTS.**

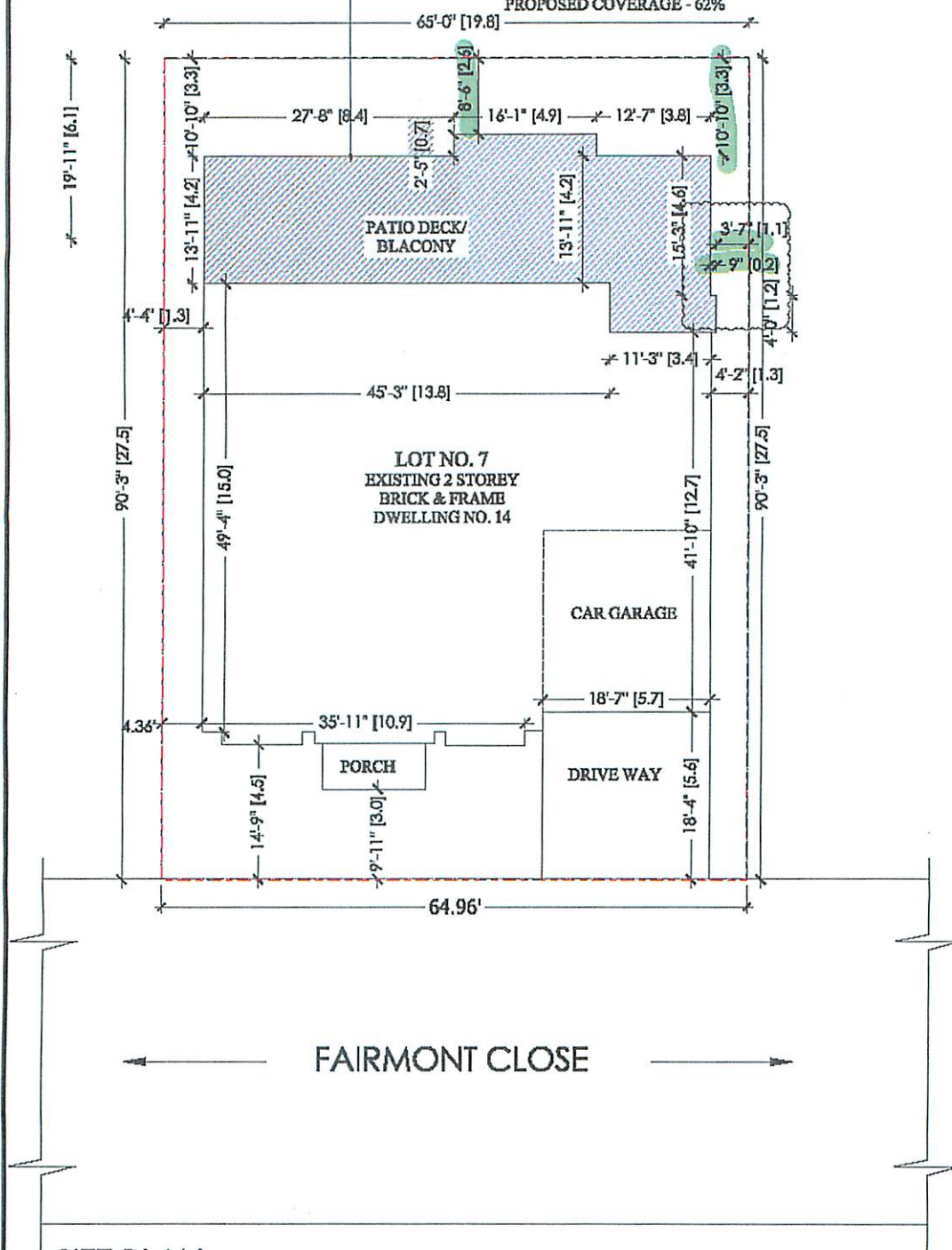
EXISTING PATIO DECK AREA - 9.3 SQ. MTS.

**EXISTING COVERAGE - 49%**

PROPOSED PATIO DECK/ BALCONY  
COVERED AREA - 80 SQ. MTS. ON GROUND FLOOR LEVEL

PROPOSED COVERAGE - 62%

PROPOSED BALCONY/  
PATIO DECK - 362 SQ. FT./30 SQ. MTS.



# SITE PLAN

## 14 FAIRMONT CLOSE, BRAMPTON

[illegible]

**V.A. ARCHITECTING**  
 1201 E. 12th St.  
 Suite 100  
 Anchorage, AK 99501  
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Drawings/Issues		
Date	Particulars	By
August 24, 2021	Issued for Check Approval	.
Exp 03, 2021	Issued for C of A NY Approval	
Oct 11, 2021	The Issued for C of A NY Approval	

Client: VIM AIR

Project: PATIO DECK, BALCONY & 4th FLOORMENT CEILING, TRANSPORT

Sheet Title: SITE PLAN

Driver	AV	Mount Box	A100
Clackback	AV		
Appraisal	-		
Demc	319.00		
Notes	1/12-1-0	Product Box	2021-059