



## Report Committee of Adjustment

**Filing Date:** April 11, 2023

**Hearing Date:** May 9, 2023

**File:** A-2023-0105

**Owner/  
Applicant:** VASILIOS PAPOUTSIS

**Address:** 61 River Road

**Ward:** WARD 6

**Contact:** Rajvi Patel, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0105 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 owner shall obtain a building permit for the addition within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
  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:**

An Order to Comply for the existing building addition was issued to the property owner on February 4, 2022 (Order Number: 22-000112) as the addition was constructed without a building permit. A variance is required to facilitate the construction of the addition.

### Existing Zoning:

The property is zoned 'Residential Hamlet One (RHm1)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a side yard setback of 0.94m (3.08 ft.) to an existing addition, whereas the by-law requires a side yard setback of 7.5m (24.61 ft.).

**Current Situation:**

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

The subject lands are designated 'Open Space' and 'Valleyland/ Watercourse Corridor' in the Official Plan and 'Village Residential' in the Huttonville Secondary Plan (Area 29(a)). The subject lands are also located within the 'River Road Cultural Heritage Landscape' which is listed in the City of Brampton Register of Cultural Heritage and Resources. The variance is requested to facilitate the construction of an existing building addition having a reduced side yard setback.

Section 8.1 of the Huttonville Secondary Plan 29(a) provides that conservation of cultural heritage resources within the Secondary Plan shall be undertaken in accordance with Section 4.10 (Cultural Heritage) and other relevant policies outlined in the Official Plan. Cultural heritage resources include cultural landscapes such as the River Road Cultural Heritage Landscape. Heritage Staff have reviewed the application and are supportive of the addition to the structure subject to the existing driveway width being maintained at its current width and that mature trees and other vegetation are not affected during the process. Should there be a proposed development on the subject lands that intend to demolish the house or alter the existing cultural landscape, an Archaeological Assessment and Heritage Impact Assessment may be required as part of the application. The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, 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 subject lands are currently zoned 'Residential Hamlet One,' according to By-law 270-2004, as amended.

The variance is requested to permit a side yard setback of 0.94m (3.08 ft.) to an existing addition, whereas the by-law requires a side yard setback of 7.5m (24.61 ft.). The intent of the by-law in regulating the required side yard setback is to ensure that sufficient distance is maintained between dwellings and the property line for drainage and access to the rear yard.

The applicant is requesting a variance to facilitate the construction of an existing building addition located on the southwest side of the dwelling. Despite the reduced side yard setback of 6.56m (21.52 ft.) from what the by-law permits, sufficient area will be maintained for drainage and a clear path of travel to the rear yard. The existing addition meets all other zoning requirements such as the rear side yard setback requirements outlined in the Residential Hamlet One Zone of the Zoning By-law and is not considered to create any adverse impacts related to massing or privacy for surrounding properties. The addition is screened by landscaping and fencing and backs onto lands designated as Open Space as per the Brampton Official Plan that are also regulated by the Credit Valley Conservation Authority. Subject to the recommended conditions of approval, the 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 required to facilitate the location of an existing building addition having a reduced side yard setback. Despite the reduction to the side yard setback, adequate space is maintained for drainage and access to the rear yard, as there is a clear path of travel of 0.94m (3.08 ft.) as shown in Appendix A. Moreover, privacy and massing concerns are mitigated as the existing addition backs onto an open space area and is screened from abutting properties through landscaping and fencing along the interior lot lines. Heritage Staff are supportive of the application as it is not considered to alter the cultural heritage landscape. The variance is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The existing site conditions provide adequate screening through existing landscaping and fencing located along the interior lot lines. The addition maintains all other zoning requirements with respect to height, size and setbacks. Concerns with respect to privacy are mitigated as the rear yard of the subject property backs onto an open space area. The reduced interior side yard setback is not considered to impact access to the rear yard or drainage to adjacent properties as permeable landscaping is provided in the side yard and a clear path of travel is maintained. As a result, no negative impacts are anticipated on-site or off-site. The variance is considered minor in nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Assistant Development Planner

**Appendix A – Existing Site Conditions**

