



## Report Committee of Adjustment

**Filing Date:** May 1, 2023  
**Hearing Date:** May 30, 2023

**File:** A-2023-0121

**Owner/  
Applicant:** FILIPE NOGARO AND PATRICIA CORREIA

**Address:** 179 Eccelstone Drive

**Ward:** WARD 5

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

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### **Recommendations:**

That application A-2023-0121 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 roofed structure within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
  3. That the existing roofed structure be of an open style construction and remains unenclosed;
  4. 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 D (R1D-377)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variances:

1. To permit a roof to encroach into the minimum required rear yard by 6.01m (19.72 ft.), resulting in a rear yard setback of 1.62m (5.31 ft.), whereas the by-law permits a maximum roof

encroachment of 2.0m (6.56 ft.) into the minimum required rear yard setback of 5.63m (18.47 ft.).

**Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). 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 property is currently zoned 'Residential Single Detached D,' Special Section 377 (R1D-377), according to By-law 270-2004, as amended.

The variance is requested to permit a roof to encroach into the minimum required rear yard by 6.01m (19.72 ft.), resulting in a rear yard setback of 1.62m (5.31 ft.), whereas the by-law permits a maximum roof encroachment of 2.0m (6.56 ft.) into the minimum required rear yard setback of 5.63m (18.47 ft.). The intent of the by-law in regulating rear yard encroachments and rear yard setbacks is to ensure that sufficient space is provided for the rear yard amenity area on the property and that neighbouring properties are not adversely impacted in terms of sightlines or privacy.

The subject property abuts residential properties with similar roofed structures in size and height. Given the immediate surrounding area, the increased roof encroachment is not anticipated to adversely impact the lands immediately abutting the rear yard. The existing structure meets all other zoning performance standards such as the height and interior side yard setback requirements outlined in R1D Special Section 377 of the Zoning By-law and is not considered to create any massing issues due to the open design of the structure. Furthermore, the existing roofed structure is not considered to negatively impact the provision of rear yard amenity space as amenity area is provided in the screened side yard. 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 applicant is requesting a variance to facilitate the construction of an existing roofed structure and is required to bring the structure into compliance with the Zoning By-law. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property nor will it unreasonably impact the abutting properties as those properties have also built rear additions similar in size and height. The roofed structure does not detract from the provision of outdoor amenity area as amenity space is provided in the rear and side yards. In order to maintain the function of the outdoor amenity area, staff recommend a condition ensure that the structure remains unenclosed. The variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within a residential area, due to the size and conditions of the property, the proposed addition is not anticipated to detract from the provision of outdoor amenity space or create adverse impacts on-site or off-site. Privacy concerns are mitigated as the roofed addition maintains height requirements and interior side yard setback requirements to the neighbouring properties. Massing impacts to surrounding properties are also mitigated as a result of the open design of the roof structure which further enhance the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. The addition is not considered to have any negative impacts on the provision of outdoor amenity space in the rear yard. As a result, the location and scale of the addition do not generate privacy or shadowing impacts and the variance is considered to be minor in nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Assistant Development Planner

**Appendix A – Existing Site Conditions**

