



Report Committee of Adjustment

Filing Date: September 12, 2023

Hearing Date: October 24, 2023

File: A-2023-0283

**Owner/
Applicant:** KASHIF PANNU & SAIMA PANNU

Address: 51 Moorcroft Place

Ward: WARD 10

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0283 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 drainage on adjacent properties should not be adversely affected; 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', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit a proposed deck to encroach 3.07m (10.07 ft.) into the rear yard setback, resulting in a setback of 2.7m (8.85 ft.) from the deck to the rear yard whereas the by-law permits a deck/balcony to encroach a maximum 2.0m (6.56 ft.) into the rear yard setback, resulting in a required setback of 4.0m (13.12 ft.) from the deck to the rear yard lot line.

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/Medium Density' as per the Bram East Secondary Plan (Area 41). The requested variances are not considered to have a significant impact within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances maintain the general intent and purpose of the Official Plan.

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

The applicant is requesting a variance to permit a deck to encroach 3.07 metres (10.07 feet) into the rear yard, resulting in a setback of 2.7 metres (8.85 feet) from the deck to the rear yard whereas the by-law requires a deck/balcony to encroach a maximum of 2.0m (6.56 feet) into the rear yard setback, resulting in a required setback of 4.0 metres (13.12 feet.) from the deck to the rear yard lot line. 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 and that adequate space is provided for drainage.

On August 18th 2023, the TRCA completed its review of the submitted proposal, approving authorized plans and documents as part of the permission to proceed with the listed minor works in accordance with Ontario Regulation 166/06 (Appendix B). TRCA Staff provided confirmation to City of Brampton Planning Staff that they are satisfied with the proposed development and that the requested variance is not anticipated to negatively impact the abutting Open Space area that is located toward the rear of the home. Through Staff's review of the proposed development and site visit, it was noted that the remainder of structures within the rear yard maintain an adequate setback to the Open Space Zone. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to decrease the rear yard setback in order to facilitate the construction of a deck in the rear of the property. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property nor will it cause privacy concerns for adjacent property's backyards. No properties will be impacted to the rear of the house as the home abuts an open area, mitigating privacy concerns. The variance is not anticipated to impact the Humber River Watershed which is located to the northeast of the property, abutting the rear yard of the home. As previously stated, the TRCA has reviewed the application and provided the owner with a Letter of Approval to construct the deck in the location identified in the plans. Conditions provided in the Letter of Approval outline that the owner shall ensure that all excess fill that is generated from the construction of the deck and amenities will not be stockpiled and/or disposed of within any area that is regulated by the TRCA. The owner is also aware that they shall install effective erosion and sediment control measures prior to the commencement of construction. These measures must be maintained in good working order to the satisfaction of the TRCA. Protection of environmental land is being considered for future use as conditions outline that the owner will be responsible for upgrading sediment and erosion control strategies as site conditions change, in order to prevent sediment releases to the natural environment. The owner is aware that they are also responsible for stabilizing all distributed areas immediately

following the completion of work and for the removal/ disposal of sediments controls from the site. With these safeguards in place, protection of the Humber River Watershed will be prioritized and closely monitored. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Given the context of the property and the location in which the deck is proposed to be constructed, the reduced rear yard setback is not expected to generate negative environmental impacts. The applicant is aware that the variance is only acceptable for the construction of the deck. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the setback is consistent with what is presented in this application. The deck can be utilized as a form of passive amenity space/ recreation area which adds to the property's rear yard amenity space. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:





August 18, 2023

CFN 69697

Kashif Pannu (kashif.pannu@gmail.com)
51 Moorcroft Place
Brampton, Ontario
L6P 4P6

Dear Kashif Pannu:

Re: Permission for Minor Works - Letter of Approval No. C-230976/KASHIF PANNU
Application for Letter of Approval under Ontario Regulation 166/06 by KASHIF PANNU for permission to undertake minor landscaping involving the placement, removal or regrading of material of less than 30 cubic metres (equivalent to 3 truckloads) and construct a non-habitable accessory structure up to 50 sq. m (538 sq. ft) on Lot 75, Plan 43M-2092, 51 Moorcroft Place, in the City of Brampton, Humber River Watershed.

On August 18, 2023 your application 0962/23/BRAM for a Letter of Approval was authorized. The purpose of this application is to undertake works within TRCA's regulated area of the Humber River watershed in order to construct an above grade 23.22 sq.m. (250 sq.ft.) deck, 11.14 sq.m. (120 sq.ft.) shed in the rear yard, 20.90 sq.m. (225 sq.ft.) walkway paving in the side and rear yard, 18.98 sq.m. (204 sq.ft.) patio paving under the proposed deck, and one window in the basement of the existing house. The subject property is located at 51 Moorcroft Place in the City of Brampton. All works must comply with the following stamped approved plans and/or documents:

- **Drawing no. A103, Site Plan for Deck - not to scale, dated July 15, 2023, prepared by applicant Kashif Ahmad Pannu, received by TRCA on August 15, 2023;**
- **Drawing no. A104, Site Plan for Patio, Slab for Shed and Walkway to the Rear entry door - not to scale, dated July 15, 2023, prepared by applicant Kashif Ahmad Pannu, received by TRCA on August 15, 2023;**
- **Drawing no. A107, Rear elevation, posts and pier connection, dated July 15, 2023, prepared by applicant Kashif Ahmad Pannu, received by TRCA on August 15, 2023;**
- **Drawing no. A108, Side elevations, dated July 15, 2023, prepared by applicant Kashif Ahmad Pannu, received by TRCA on August 15, 2023;**
- **Drawing no. A101, Basement Finishing Plan, dated July 15, 2023, prepared by applicant Kashif Ahmad Pannu, received by TRCA on August 15, 2023.**

AND MUST COMPLY WITH THE FOLLOWING CONDITIONS:

Standard Permit Conditions

1. The Owner shall strictly adhere to the approved TRCA permit, plans, documents and conditions, including TRCA redline revisions, herein referred to as the "works", to the satisfaction of TRCA. The Owner further acknowledges that all proposed revisions to the design of this project that impact TRCA interests must be submitted for review and approval by TRCA prior to implementation of the redesigned works.
2. The Owner shall notify TRCA Enforcement staff 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works referred to herein.

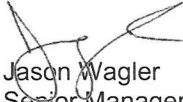
3. The Owner shall grant permission for TRCA staff, agents, representatives, or other persons as may be reasonably required by TRCA, in its opinion, to enter the premises without notice at reasonable times, for the purpose of inspecting compliance with the approved works, and the terms and conditions of this permit, and to conduct all required discussions with the Owner, their agents, consultants or representatives with respect to the works.
4. The Owner acknowledges that this permit is non-transferrable and is issued only to the current owner of the property. The Owner further acknowledges that upon transfer of the property into different ownership, this permit shall be terminated and a new permit must be obtained from TRCA by the new owner. In the case of municipal or utility projects, where works may extend beyond lands owned or easements held by the municipality or utility provider, Landowner Authorization is required to the satisfaction of TRCA.
5. This permit is valid for a period of two years from the date of issue unless otherwise specified on the permit. The Owner acknowledges that it is the responsibility of the Owner to ensure a valid permit is in effect at the time works are occurring; and, if it is anticipated that works will not be completed within the allotted time, the Owner shall notify TRCA at least 60 days prior to the expiration date on the permit if an extension will be requested.
6. The Owner shall ensure all excess fill (soil or otherwise) generated from the works will not be stockpiled and/or disposed of within any area regulated by TRCA (on or off-site) pursuant to Ontario Regulation 166/06, as amended, without a permit from TRCA.
7. The Owner shall install effective erosion and sediment control measures prior to the commencement of the approved works and maintain such measures in good working order throughout all phases of the works to the satisfaction of TRCA.
8. The Owner acknowledges that the erosion and sediment control strategies outlined on the approved plans are not static and that the Owner shall upgrade and amend the erosion and sediment control strategies as site conditions change to prevent sediment releases to the natural environment to the satisfaction of TRCA.
9. The Owner shall repair any breaches of the erosion and sediment control measures within 48 hours of the breach to the satisfaction of TRCA.
10. The Owner shall make every reasonable effort to minimize the amount of land disturbed during the works and shall temporarily stabilize disturbed areas within 30 days of the date the areas become inactive to the satisfaction of TRCA.
11. The Owner shall permanently stabilize all disturbed areas immediately following the completion of the works and remove/dispose of sediment controls from the site to the satisfaction of TRCA.
12. The Owner shall arrange a final site inspection of the works with TRCA Enforcement staff prior to the expiration date on the permit to ensure compliance with the terms and conditions of the permit to the satisfaction of TRCA.
13. The Owner shall pay any additional fees required by TRCA in accordance with the TRCA Administrative Fee Schedule for Permitting Services, as may be amended, within 15 days of being advised of such in writing by TRCA for staff time allocated to the project regarding issues of non-compliance and/or additional technical review, consultation and site visits beyond TRCA's standard compliance inspections.

We have enclosed one copy of this Letter of Approval, which includes one set of the authorized plans/documents that were approved as part of this Permission for Minor Works. A copy of this letter and one set of plans have been submitted to the municipality. Please ensure that the plans approved by the municipality are consistent with the plans authorized by staff and ratified for approval by the Executive Committee. This Letter of Approval is valid until August 17, 2025

Please be advised that if revisions to the design of this project are required subsequent to the issuance of this approval, plans/documents reflecting these changes will need to be submitted to this office for further review and approval prior to construction of the redesigned works.

For information regarding revisions, technical or administrative related issues please contact Marina Janakovic, Planner I, at (437) 880-2368.

Sincerely,



Jason Wagler
Senior Manager, Development Planning and Permits
Development and Engineering Services

Encl.

cc: Cindy Hammond, Manager, Building Division, City of Brampton (Cindy.Hammond@brampton.ca)
