



## Report Committee of Adjustment

**Filing Date:** September 18, 2023  
**Hearing Date:** November 14, 2023  
**File:** A-2023-0289  
**Owner/  
Applicant:** Gokulrich Balendranuppiah  
**Address:** 14 Tanvalley Drive  
**Ward:** 6  
**Contact:** Megan Fernandes, Planning Technician

---

### **Recommendations:**

That application A-2023-0289 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 the applicant obtain a building permit within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
  3. That the amount of glazed openings will be restricted based on the limiting distance, and is required to conform to Division B, 9.10.15.4. of the Ontario Building Code;
  4. That the sunroom addition remain 1-storey in height;
  5. That the height of the fence along the rear yard shall not exceed 2.4m as depicted on the sketch attached to the Notice of Decision;
  6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Single Detached C – Special Section 1102 (R1C-1102)', 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 2.7 metre to an existing sunroom addition, whereas the by-law requires a minimum rear yard setback of 6.0 metre; and
2. To permit a 2.4 metre fence height in the rear yard, whereas the by-law permits a maximum fence height of 2 metres in the rear yard.

**Current Situation:**

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

The subject property is designated as 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Fletcher's Creek Secondary Plan (Area 44a). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

The subject property is designated as 'Neighbourhoods' (Schedule 2 – Land Use) in the council endorsed Brampton Plan 2023.

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

The property is zoned 'Residential Single Detached C – Special Section 1102 (R1C-1102)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a to permit a rear yard setback of 2.7 metre to an existing sunroom addition, whereas the by-law requires a minimum rear yard setback of 6.0 metre. 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.

The applicant is requesting Variance 1 to permit an existing sunroom addition. The subject property is a detached single-storey bungalow located on an interior lot. The location and the configuration of the addition relative to the lot size and surrounding size ensures that the 3.3m reduction in the rear yard setback will not generate massing and privacy impacts as the proposed addition will be screened by existing landscaping and fencing and sufficient distance is maintained between neighboring properties. Additionally, the subject property still maintains sufficient amenity space in the rear yard. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a 2.4 metre fence height in the rear yard, whereas the by-law permits a maximum fence height of 2 metres in the rear yard. The intent of the by-law in regulating fence height is to ensure that fencing does not create a "fortress-like" enclosure. This variance relates to a small portion of the fence located behind the addition which provides additional screening for the addition. This additional height in this limited area does not contribute to a "fortress-like" massing for the fence and is intended to provide screening. A condition of approval is recommended that the

variance be approved only to the extent shown on the sketch attached to the public notice to ensure that the fence height is not extended any further past the purpose of screening the addition. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

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

Variance 1 is requested to permit an existing sunroom addition in the rear yard of the property. Given the size of the rear yard and the configuration of the addition, the existing sunroom is not anticipated to limit the overall provision of amenity space or cause negative visual impacts as it is screened from neighbouring properties by the existing fence and trees located along the side lot lines. Furthermore, Building Staff have advised that the amount of glazed openings will be restricted based on the limiting distance, and is required to conform to Division B, 9.10.15.4. of the Ontario Building Code. Building staff have advised that the glazed openings for the addition will be addressed during the building permit application process. As the sunroom was constructed without a building permit, and an order to comply was issued, a condition of approval is recommended that the applicant obtain a building permit within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official. Subject to the recommended conditions, the variance is desirable for the appropriate development of the land.

Variance 2 is requested to permit a 2.4 metre fence height in the rear yard, whereas the by-law permits a maximum fence height of 2 metres in the rear yard. The fence height is 0.4m greater than the by-law permits. In this case, the extra height is used to screen the addition in the rear yard from adjacent properties and is not considered to be overbearing in regard to massing or sightlines. Subject to the recommended conditions, the variance is desirable for the appropriate development of the land.

### 4. Minor in Nature

The subject property is a single storey detached dwelling located within a residential area. In relation to Variance 1, the sunroom addition is not anticipated to negatively impact the function of the rear yard amenity space. Privacy concerns are mitigated as the addition maintains the interior side yard setback requirements to the neighbouring properties. Subject to the recommended conditions of approval, variance 1 is minor in nature.

Variance 2 is requested to permit a fence height of 2.4m along the rear yard. Conditions of approval are recommended to limit the height and location of the existing fence. Subject to the recommended conditions of approval, variance 2 is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos

