



Report Committee of Adjustment

Filing Date: October 17, 2023
Hearing Date: November 14, 2023
File: A-2023-0329
**Owner/
Applicant:** Joann Sookram
Address: 35 Haley Court
Ward: 5
Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0329 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 must obtain a Custom House Architectural Control approval before a building permit application be submitted;
 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 Townhouse A – Special Section 126 (R3A(4)-126)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a building addition outside of the allowable building envelope defined by Schedule C-126, whereas the by-law prohibits any building area outside of the permitted building envelope.

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 “Medium Density Residential” in the Bramalea Secondary Plan (Area 3). In relation to the council approved Brampton Plan, the subject property is designated as “Neighbourhoods” as per Schedule 2 – Designations. The requested variance is not considered to have significant implications within the context of the policies of the Official Plan. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

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

The property is zoned ‘Residential Townhouse A – Special Section 126 (R3A(4)-126)’, according to By-law 270-2004, as amended.

The site specific zone includes a Schedule C that depicts on a plan the building area on a property. Schedule C’s are no longer commonly used as they can be overly restrictive in regulating how development additions occur on a site. In this case, the proposed variance to Schedule “C” would facilitate a building addition which alter the building envelope as shown in Schedule “C”.

The variance is requested to permit a building addition outside of the allowable building envelope defined by Schedule C-126, whereas the by-law prohibits any building area outside of the permitted building envelope. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property. This type of regulation is typically associated with older areas of the City.

The applicant is requesting the variance to facilitate the construction of a two-storey addition at the rear of the dwelling. The addition maintains all zoning provisions except for deviating from the building envelope as regulated via Schedule ‘C’. The proposed addition is anticipated to occupy the width of the majority of the rear wall of the dwelling. In the case of the proposed addition, there is sufficient spatial separation between the adjacent properties as the addition maintains a 3.16m setback to the east lot line and 1.48m to the easement on the east side and a 2.01m setback to the west lot line and 1.85m to the easement on the west. The increased building footprint is not anticipated to cause significant negative impacts relating to visual massing of the dwelling as the addition is located at the rear of the property. It is staff’s opinion that the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

A variance is requested to facilitate the construction of an addition located at the rear of the dwelling. The building addition requires a variance to alter the building envelope as shown in Schedule “C”. Given the location and context of the site, staff have no concerns with the requested variance to facilitate the addition. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision to ensure that the requested variance is

consistent with what is presented in this application. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is proposed to accommodate the constriction of an addition at the rear of the dwelling. The location of the addition is considered to be appropriately situated and is therefore not anticipated to generate negative impacts on-site or off-site, subject to the requested conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos

