



## Report Committee of Adjustment

**Filing Date:** June 22, 2023

**Hearing Date:** December 19, 2023

**File:** A-2023-0197

**Owner/  
Applicant:** PRADEEP KUMAR JAISWAL AND AMITA JAISWAL

**Address:** 8 Newstead Crescent

**Ward:** WARD 1

**Contact:** Rajvi Patel, Planner I

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### **Recommendations:**

That application A-2023-0197 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 applicant obtain a Custom House Architectural Control approval prior to the submission of a building permit application;
  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:**

Following the Committee of Adjustment meeting on August 1, 2023, application A-2023-0197 was deferred to the last hearing of December 2023. The application was deferred due to the applicant's request to work with staff and address staff's concerns regarding the original driveway width and addition. The original variances requested to permit a driveway width of 8.81m, and a two-storey addition proposing a side yard setback of 0.61m. The application has been revised to reflect a driveway width of 7.31m, and a one-storey addition proposing a side yard setback of 0.61m. A variance is no longer required to permit the proposed driveway widening.

### Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicants are requesting the following variances:

1. To permit a reduced side yard setback of 0.61m to a proposed addition whereas the by-law requires a minimum 1.8m interior side yard setback;

### **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). As per the Council-approved Official Plan, the subject lands are designated 'Community Areas' and 'Transit Station' in Schedule 1A, 'Neighbourhood' in Schedule 2 and 'Neighbourhood (low-rise residential)' in Schedule 13f.

The Residential designation supports the current use and the requested variance to facilitate a one-storey garage addition is not anticipated to have any significant impacts in 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 B,' (R1B), according to By-law 270-2004, as amended.

The variance is requested to permit a reduced side yard setback of 0.61m to a proposed addition whereas the by-law requires a minimum 1.8m interior side yard setback. The intent of the by-law in regulating the required side yard setback is to ensure that sufficient distance is maintained between dwellings and that the massing of the addition does not impose upon the adjacent property.

The applicant is proposing to construct a garage addition along the southeastern wall of the dwelling. A 1.19m reduction to the interior side yard setback is requested from what the by-law permits. The reduced interior yard setback is created as a result of the configuration of the proposed addition in operating as a functional garage and the shape of the lot. The proposed addition will maintain all other requirements set out in the Zoning By-law such as the height and size. The reduced side yard setback is not anticipated to adversely impact the visual massing or shadowing on adjacent properties, as the height of the proposed addition matches that of the home. Moreover, the reduced side yard setback is not anticipated to negatively impact the provision of access to the rear yard as a clear path of travel is maintained to access the rear yard. 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 requested to facilitate the construction of a one storey garage addition located along the southeastern wall of the dwelling. Upon reviewing the revised elevation drawings submitted by the

applicant, staff find that the reduced interior side yard setback is not anticipated to significantly contribute to undesirable visual massing or shadowing impacts as the proposed addition maintains an appropriate massing and scalability with the subject property and neighbouring homes. The configuration of the proposed addition is considered to be appropriate and compatible with the subject property and neighbouring homes. The proposed building addition maintains all other requirements set out by the implementing by-law such as the height and size and Mature Neighbourhood policies. The reduction to the interior side yard setbacks is not anticipated to result in negative impacts to the overall residential function of the dwelling and property as adequate access and drainage is maintained to the rear yard of the subject property. Given the location and context of the site, staff have no concerns with the requested variance and are in support of the overall proposal. The variance is considered to be desirable for the appropriate development of the land.

Staff note that the applicant is also proposing a driveway widening which does not require a minor variance. However, Open Space staff have advised that the driveway widening may impact the health of the existing tree in the public road allowance and prefer that the tree be offset by a minimum of 1m from the edge of the driveway.

#### 4. Minor in Nature

The variance is requested to facilitate the garage addition on the southeastern portion of the existing house. The garage addition is in keeping with the general character of the neighbourhood as many properties in this neighbourhood are low-rise residential dwellings. The proposal satisfies all other requirements of the Zoning By-law and is not perceived to cause any adverse impacts to the property or adjacent properties, nor does it alter its residential use. Subject to the recommended conditions of approval, the reduced interior side yard setback is considered minor in nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

