



Report Committee of Adjustment

Filing Date: February 7th, 2023

Hearing Date: March 28th, 2023

File: A-2023-0042

**Owner/
Applicant:** DANTE LIMBAGA AND FRANCIS LIMBAGA

Address: 96 RUTHERFORD ROAD NORTH

Ward: WARD 1

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0042 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; and
 2. 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 B (R1B)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 7.49m (24.57 ft), whereas the by-law permits a rear yard setback of 8.48m (27.82 ft); and
2. To permit a driveway width of 7.74m (25.39 ft), whereas the by-law permits a driveway width of 7.32m (24.0 ft);

Current Situation:

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

The property is designated 'Residential' in the Official Plan and further designated 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). 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 and purpose of the Official Plan.

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

Variance 1 is requested to permit a proposed rear yard setback of 7.49m (24.57 ft), whereas the by-law permits a rear yard setback of 8.48m (27.82 ft). The intent of the by-law in requiring a minimum encroachment into a rear yard and a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property. As per a site visit conducted by Staff, it was determined that a setback area of 7.49m (24.57 ft) is sufficient for the rear yard amenity area for the property (see Appendix A). Furthermore, as both fencing and tree landscaping is located along the rear yard property line, both the proposed one-storey addition and reduced rear yard setback is screened in a manner that does not negatively impact adjacent properties.

Variance 2 is requested to permit a proposed driveway width of 7.74m (25.39 ft), whereas the by-law permits a driveway width of 7.32m (24.0 ft). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling. The existing driveway width is 6.40m (21.0 ft). Staff are of the opinion that the proposed driveway width expansion by 1.34m (4.40 ft) does not have the potential to allow an excessive number of vehicles to be parked in front of the dwelling due to the L-shaped layout of the driveway (see Appendix A). The existing fencing abutting the driveway delineates the parked area from both the front yard landscaping and walkway path to the main front entrance, thus ensuring that the property is not dominated by hardscaping and prevents any additional cars from being parked.

Subject to the recommended conditions of approval, Variances 1 and 2 maintain the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit proposed site conditions for a reduced rear yard setback in order to facilitate a 3.32m (10.9 ft) one-storey addition to the existing dwelling in the rear yard. While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied that an unobstructed and sufficient rear yard amenity area of 7.49m (24.57 ft) for the property are maintained. Furthermore, as the property includes both fencing and large mature trees located along the rear yard property line, both the proposed addition to the existing dwelling and reduced rear yard amenity area is screened in a manner that does not negatively impact neighboring adjacent properties.

Variance 2 is requested to permit proposed site conditions for increased driveway width dimensions. While full landscaping requirements of the Zoning By-law are not maintained, Staff are satisfied that the current the L-shaped layout of the driveway does not have the potential to allow an excessive number of vehicles to be parked in front of the dwelling. Moreover, 0.0m of permeable landscaping has been located on the subject property prior to 2007, resulting in legal non-conforming status. As such, no additional variance is required, and staff have no concerns in regard to the proposed driveway extension.

Subject to the recommended conditions of approval, Variances 1 and 2 are desirable for the appropriate development of the land.

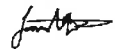
4. Minor in Nature

Variance 1 to permit proposed site conditions for a reduced rear yard setback in order to facilitate a one-storey addition to the existing dwelling in the rear yard is considered by Staff to maintain sufficient rear yard area for landscaping, drainage, and outdoor amenity space. Staff are of the opinion that the 0.99m (3.25 ft) proposed reduction in the rear yard is minor and will not contribute to any negative impact the rear yard amenity area for the property.

Variance 2 to permit proposed site conditions for for increased driveway width dimensions maintains intent of the Zoning By-law and would be constructed with asphalt. Staff are of the opinion that the visual impact of the driveway is minimal due to the L-shaped layout and existing fence that delineates the parked area from both the property's front yard landscaping and walkway path to the main front entrance of the dwelling.

Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Site Visit Photos:

