



Report Committee of Adjustment

Filing Date: October 27th 2022

Hearing Date: March 28th 2022

File: A-2022-0353

**Owner/
Applicant:** KAVALJIT KAUR / ISMATULLAH AMIRI

Address: 693 Peter Robertson Boulevard

Ward: WARD 9

Contact: Chinoye Sunny, Planner I

Recommendations:

That the application A-2022-0353 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/Owner shall obtain a building permit for the existing rear deck 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 Applicant/Owner shall ensure that all above ground utilities and signs are offset a minimum 1.2 metre from all proposed driveways and indicate as such on a revised site plan;
4. That the Applicant/Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances;
5. That the 0.60 metre permeable landscaping strip located along the property line be re-instated on the subject property as indicated on the sketch attached to the Notice of Decision; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The applicant is requesting two (2) Minor Variances for a reduced rear yard setback for an existing deck and an increased driveway width for an existing driveway condition. The application was previously deferred at the December 6th, 2022 hearing (see Appendix 1). The applicant has since revised the application and requested variances.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B-612)', 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 3.12m (10.24 ft.) to an existing deck whereas the by-law requires a minimum rear yard setback of 4.5m (14.76 ft.);
2. To permit a driveway width of 7.877m (25.84 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan. This designation allows for a broad range of residential housing types within the City. The property is further designated "Low Density Residential 1" in the Springdale Secondary Plan (Area 2). The designation allows for the development of single-detached and semi-detached dwelling units. 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

The property is zoned 'Residential Single Detached B (R1B-612)', according to By-law 270-2004, as amended.

Variance 1 is requesting to permit a rear yard setback of 3.12m (10.24ft.) to an existing deck whereas the by-law requires a minimum rear yard setback of 4.5m (14.76 ft.). The intent of the by-law in requiring minimum setbacks for decks is to ensure sufficient space is provided for drainage and that sufficient space area is provided for the rear yard amenity area of the property. The existing deck is used as a patio and seating area, which constitutes as an amenity area in the rear yard. Despite the reduced rear yard setback, the configuration of the existing deck is not anticipated to negatively impact drainage and access to the rear yard. A condition of approval is that the owner shall obtain a building permit for the existing rear deck 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 of approval, the general intent and purpose of the Zoning By-law is maintained.

Variance 2 is requesting to permit a driveway width 7.877m (25.84 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 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 previously deferred application was also seeking a variance to permit 0.0m of permeable landscaping strip abutting the side property line (see Appendix 1). The application has since been revised and the required 0.6m landscaping strip will be reinstated on the property. The existing concrete driveway is 1.17m (3.84 ft.) wider than the maximum permitted driveway provision within the by-law. The increased driveway width is not considered to significantly impact drainage or access to the property. Despite the increased width, the existing condition of the driveway is not out of character for the neighbourhood. A condition of approval is that the landscaping strip located along the property line be re-instated on the subject property as indicated on the sketch attached to the Notice of Decision. Subject to the recommended conditions of approval, the general intent and purpose of the Zoning By-law is maintained.

3. Desirable for the Appropriate Development of the Land

The variances requested are to permit a reduced rear yard setback for an existing deck and an increased driveway width for an existing driveway condition. Staff do not anticipate any negative impacts to drainage or access to the property based on the requested variances. The rear lot line of the subject property is adequately screened with a line of trees along the abutting neighbours property, providing a form of screening. Furthermore, the full 0.6m landscaping strip abutting the side property line will be reinstated, reducing the quantity of hardscaping on the property. Upon staff site visit of the property, it was noted that the increased driveway width is not out of character for the neighbourhood. Subject to the recommended conditions of approval, the variances are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are to accommodate the existing site conditions of a rear yard deck and widened driveway. The requested variance for a reduced rear yard setback will not impact access to the rear yard or drainage on adjacent properties. With the exception of the rear yard setback, the rear yard deck maintains all other applicable zoning performance standards. The existing driveway will be altered to conform to the concept plan submitted with the application, resulting in the re-instatement of the 0.60m permeable landscape strip. Providing a landscape strip along the neighbouring property line will help increase drainage through the addition of a permeable surface. It will also limit the quantity of cars that can park on the driveway. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Sunny Chinoye', with a stylized flourish at the end.

Chinoye Sunny, Planner I

APPENDIX 1



Report Committee of Adjustment

Filing Date: October 27th 2022
Hearing Date: December 6th 2022

File: A-2022-0353

**Owner/
Applicant:** KAVALJIT KAUR / ISMATULLAH AMIRI

Address: 693 Peter Robertson Boulevard

Ward: WARD 9

Contact: Chinoye Sunny, Planner I

Recommendations:

That application A-2022-0353 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/Owner shall obtain a building permit for the existing rear deck within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
 3. That the Applicant/Owner shall ensure that all above ground utilities and signs are offset a minimum 1.2 metre from all proposed driveways and indicate as such on a revised site plan;
 4. That the Applicant/Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The applicant is requesting three (3) Minor Variances for a reduced rear yard setback for an existing deck and an increased driveway width and reduced permeable landscaping along the property line.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B-612)', 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 3.12m (10.24 ft.) to an existing deck whereas the by-law requires a minimum rear yard setback of 4.5m (14.76 ft.);
2. To permit a driveway width of 8.48m (27.82 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.0m of permeable landscaping abutting property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and is further designated "Low Density Residential 1" in the Springdale Secondary Plan (Area 2). 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

The property is zoned 'Residential Single Detached B (R1B-612)', according to By-law 270-2004, as amended.

Variance 1 is requesting to permit a rear yard setback of 3.12m (10.24ft.) to an existing deck whereas the by-law requires a minimum rear yard setback of 4.5m (14.76 ft.). The intent of the by-law in requiring minimum setbacks for decks is to ensure sufficient space is provided for drainage. Despite the reduced rear yard setback, the configuration of the existing deck is not anticipated to negatively impact drainage and access to the rear yard. As such, the general intent and purpose of the Zoning By-law is maintained.

Variance 2 is requesting to permit a driveway width 8.48m (27.82 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 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. Variance 3 is requesting to permit 0.0m of permeable landscaping abutting property line whereas the by-law requires a minimum 0.6m (1.9 ft.) wide permeable landscaping strip abutting the side property line. The intent of the by-law in requiring a minimum permeable landscape strip along

the interior property line is to ensure that sufficient space is provided for drainage and to create a positive visual impact for the property.

The existing concrete driveway is 1.77m (5.81 ft.) wider than maximum permitted driveway provision within the by-law. The increased width is not considered to significantly impact drainage or access to the property. While the driveway does not maintain the full front yard landscaping requirements, the existing condition of the driveway is not out of character for the neighbourhood. As such, the general intent and purpose of the Zoning By-law is maintained.

3. Desirable for the Appropriate Development of the Land

The variances requested is to permit a reduced rear yard setback for an existing deck and an increased driveway width and reduced permeable landscaping along the property line. Subject to the recommended conditions of approval, the variances are desirable for the appropriate development of the land. A condition of approval is recommended that the owner shall obtain a building permit for the existing rear deck within 60 days of the decision of approval or extended at the discretion of the Chief Building Official.

4. Minor in Nature

The requested variances are to accommodate the existing site conditions of a rear yard deck and widened driveway. The requested variances are not considered to impact access to the rear yard or drainage on adjacent properties, and the impact of the driveway is minimal. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,



Chinoye Sunny, Planner I