



Report Committee of Adjustment

Filing Date: March 8, 2024

Hearing Date: April 23, 2024

File: A-2024-0074

**Owner/
Applicant:** SANDRA GOMES & CARLOS DESOUSA

Address: 1 Sailwind Road

Ward: WARD 9

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2024-0074 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 building permit for the existing rear covered porch 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 Owner 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;
 4. That drainage on adjacent properties shall not be adversely affected;
 5. 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 D- Special Section 758 (R1D-758)', 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 5.89 m. (19.32 ft.) to a privacy wall, whereas the by-law permits a rear yard setback of 7.5 m. (24.6 ft.);
2. To permit a driveway width of 7.23 m. (23.72 ft.), whereas the by-law permits a maximum driveway width of 6.71 m. (22.01 ft.);
3. To permit 0.30 m. (0.98 ft.) of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 m. (1.97 ft.) of permeable landscaping abutting the side lot line;
4. To permit an accessory structure (existing shed) in the exterior side yard, whereas by-law does not permit an accessory structure in the exterior side yard; and
5. To permit an accessory structure (existing shed) having a setback of 0.05 m. (0.16 ft.) from the rear and side lot lines, whereas the By-law requires a minimum of 0.6 m (1.97 ft.) to the nearest lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Springdale Secondary Plan (Area 2). The Official Plan establishes policies that facilitate the growth and maintenance of complete residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. As per Section 4.2.1.14 of the City of Brampton Official Plan, driveways are listed as key design areas. The layout of the driveway should be in such a manner that it complements and is consistent with the overall streetscape aesthetic. The requested variance is not considered to have significant impacts within the context of the Official 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

Variance 1 is requested to permit a rear yard setback of 5.89 m. (19.32 ft.) to a privacy wall, whereas the by-law permits a rear yard setback of 7.5 m. (24.6 ft.). The intent of the by-law in requiring a minimum setback in the rear yard is to guarantee that sufficient space is provided for the rear yard amenity space on the property, to ensure that space is provided for drainage, and to ensure that neighbouring properties are not adversely impacted in terms of sightlines or privacy. City Engineering Staff have reviewed the file and are satisfied with the application as it does not negatively impact

drainage on the subject parcel or abutting property. The constructed porch in the rear yard contributes to additional amenity space on the subject land. Subject to the recommended conditions of approval, Variance 1 maintains the general intent of the Zoning By-Law.

Variance 2 is requested to permit an existing driveway width of 7.23 m. (23.72 ft.), whereas the by-law permits a maximum driveway width of 6.71 m. (22.01 ft.). Variance 3 seeks to permit 0.30 m. (0.98 ft.) of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 m. (1.97 ft.) of permeable landscaping abutting the side lot line. 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 to prevent the parking of an excessive number of vehicles in front of the dwelling. With an addition of 0.52 m (1.71 ft.), Staff are of the opinion that the driveway width is not considered to facilitate an excessive number of vehicles being parked in front of the dwelling or significantly impact drainage on the site. Subject to the recommended conditions of approval, Variances 2 and 3 maintain the general intent of the Zoning By-Law.

Variance 4 is requested to permit an accessory structure in the exterior side yard, whereas the by-law does not permit an accessory structure in the exterior side yard. The intent of the by-law in disallowing an accessory structure in an exterior side yard is to ensure that the appearance of the structure does not negatively impact the overall streetscape. Due to the configuration of the corner lot, the existing accessory structure is subject to the side yard requirements of the Zoning by-law. In this case, only a small portion of the roof of the structure is visible from the street. Subject to the recommended conditions of approval, Variance 4 maintains the general intent and purpose of the by-law.

Variance 5 is requested to permit an accessory structure (existing shed) having a setback of 0.05 m. (0.16 ft.) from the rear and side lot lines, whereas the By-law requires a minimum of 0.6 m (1.97 ft.). to the nearest lot line. The intent of the by-law in requiring a minimum setback to an accessory structure is to ensure that sufficient space is provided for drainage and access for maintenance. In this case, the shed generally requires minimal maintenance and drainage in the rear yard does not appear to be impacted by the accessory structures. Subject to the conditions of approval, Variance 5 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 seeks to decrease the rear yard setback distance between the rear wall of the dwelling and the privacy wall. The existing porch does not alter the characteristics or sightlines of the subject property or have adverse impacts on adjacent properties. The as-built porch is 4.22 m (13.9 ft.) in width and 7.01 m. (23 ft.) in length, accounting for 29.58 sq. m. (319.7 sq. ft.) in gross floor area. As this dwelling is a single detached dwelling, access to the rear yard is still granted along both side of the property Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

Variance 2 is requested to permit an existing driveway width which exceeds the requirement that is set out in the Zoning By-law. Through the extension of the driveway width, an additional variance has been requested to reduce the permeable landscaping which abuts the driveway and side yard lot line to 0.30 m. (0.98 ft.). While the total width of the driveway does not maintain the maximum requirements of the Zoning By-Law, the materials and design uphold a certain aesthetic quality which does not detract from

the streetscape and limits the number of vehicles to be parked on the driveway. The property continues to maintain a substantial amount of landscaped area at the front of the property. The expanded driveway will not have a negative impact on the streetscape as permeable landscaping features will remain. Subject to the recommended conditions of approval, Variances 2 and 3 are appropriate for the development of the land.

Variance 4 is requested to permit an accessory structure in the exterior side yard, whereas the by-law does not permit an accessory structure in the exterior side yard. Given the context of the site, Staff do not have concerns with the accessory structure's location in the southern portion of the lot. The size of the structure is 8.9 sq. m. (96 sq. ft.) and is used to store household and recreational items. Subject to the recommended conditions of approval, Variance 4 is desirable for the appropriate development of the land.

Variances 5 seeks to permit an accessory structure (existing shed) having a setback of 0.05 m. (0.16 ft.) from the rear and side lot lines, whereas the By-law requires a minimum of 0.6 m (1.97 ft.) to the nearest lot line. The existing accessory structure is seen as appropriate for the development of the land as it would allow for additional storage of utilities on the property. An adequate amount of recreational space remains in the rear yard of the property and drainage will not be negatively impacted. Subject to the recommended conditions of approval, Variance 5 is appropriate for the development of the land.

4. Minor in Nature

Variance 1 is related to the reduced rear yard setback and is not anticipated to have any adverse impacts on adjacent properties, drainage on the subject property or impacts on the provision of outdoor amenity space. Subject to the recommended conditions of approval, Variance 1 is considered minor in nature.

Variances 2 and 3 are requested to permit an increased driveway width in the front yard of the dwelling. These variances are not considered to be ones that will significantly impact the amount of available outdoor amenity space, permeable landscaping or significantly affect drainage on the subject property or adjacent properties. Due to the size of the concrete addition 0.52 m (1.71 ft.), Variances 2 and 3 are considered to be minor in nature.

Variance 4 is requested to permit an accessory structure in an exterior side yard. Staff do not anticipate any substantial impacts to the streetscape as only a small section of the roof is noticeable to the public. Subject to the recommended conditions of approval, Variance 4 is minor in nature.

Variance 5 seeks reduced setbacks from accessory structures to the lot lines in the rear and side of the property. As minimal maintenance is required for the fences and sheds, Staff are of the opinion that the requested setbacks from the property line to the accessory structures should be adequate to maintain adequate drainage. Subject to the recommended approval conditions, Variance 5 is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

