



Report Committee of Adjustment

Filing Date: May 17, 2024
Hearing Date: June 18, 2024

File: A-2024-0181

**Owner/
Applicant:** Eugene Gibson
Eugene Gibson

Address: 2 Leslie Street

Ward: WARD 5

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0181 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 Variance 1 be approved to permit a rear yard setback of 1.798 metres to a proposed addition;
 3. That drainage on adjacent properties shall not be adversely affected; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The owner has submitted a Minor Variance application to facilitate the construction of a new attached garage with a second storey located above. To accommodate this development, the existing detached garage is proposed to be demolished. The requested variances include a setback reduction and an increase in lot coverage.

Existing Zoning:

The property is zoned 'Residential (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 0.858 metres to a proposed addition, whereas the by-law requires a minimum rear yard setback of 7.5 metres; and
 - The figure referenced in the variance and public notice is incorrect as it refers to the setback of the existing detached garage. Instead, the figure and variance should be revised with the following wording: *To permit a rear yard setback of 1.798 metres to a proposed addition, whereas the by-law requires a minimum rear yard setback of 7.5 metres;*
2. To permit a lot coverage of 34.05%, whereas the by-law permits a maximum lot coverage of 30%.

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 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. The requested variance 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 1.798 metres to a proposed addition, whereas the by-law requires a minimum rear yard setback of 7.5 metres. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property and that there be an appropriate separation between structures, property lines, and adjacent dwellings.

Variance 2 is requested to permit a lot coverage of 34.05%, whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property.

The owner is proposing to demolish the existing 1-storey detached garage and replace it with a 2-storey attached garage. The location of the proposed addition will be setback further from the rear property line when compared to the existing detached garage. As a result, there will be more separation between the addition, the property line and adjacent dwellings. Although the addition will be 2-storeys in height, it will continue to maintain height requirements and the massing of the addition is not anticipated to negatively impact adjacent properties. Furthermore, the increase in lot coverage is primarily attributed to the addition of the second storey above the garage. Despite the 4% lot coverage increase, the size of the dwelling is considered appropriate relative to the size of the property and is not anticipated to detract from the provision of outdoor amenity area on the property or lead to its overdevelopment.

A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, the variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit a reduced rear yard setback and an increased lot coverage which will facilitate the construction of a two storey addition including a garage. The reduced rear yard setback and increased lot coverage is not anticipated to negatively impact the rear yard amenity area for the property, nor will it cause privacy concerns for adjacent property's backyards. As the space is surrounded by a wooden fence located along the rear yard property line, the proposed addition is screened in a manner that does not negatively impact neighbouring properties. Subject to the conditions of approval, the requested variances are desirable for the appropriate development of the land.

4. Minor in Nature

The variances being requested are to permit a rear yard setback of 1.798 metres to a proposed addition and a lot coverage of 34.05%. 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 setback is consistent with what is presented in this application and that drainage should not be adversely affected. Given that no negative impacts are anticipated from the proposal, the requested variances are considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos

