



Report Committee of Adjustment

Filing Date: June 14, 2024

Hearing Date: July 16, 2024

File: A-2024-0235

**Owner/
Applicant:** Aman Deep Singh and Sharanjeet Kaur Thind
Neetu Singh

Address: 13 Henna Street

Ward: 10

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0235 is supportable in part, 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;
 2. That drainage on adjacent properties not be adversely affected;
 3. That variance 3 to permit a maximum driveway width of 10.36 metres whereas the by-law permits a maximum driveway width of 7.32 metres be refused, and that a maximum driveway width of 10.04 metres be approved;
 4. That Variance 4 to permit 0.28m of permeable landscaping abutting the side long line whereas the by-law requires a minimum of 0.6m of permeable landscaping abutting the side lot line be refused;
 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 F - Special Section 2394 (R1F-12.2-2394)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (existing shed) located in the rear yard having a setback of 0.51 metres to the rear lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line;
2. To permit an accessory structure (existing shed) located in the rear yard having a setback of 0.3 metres to the side lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line;
3. To permit a driveway width of 10.36 metres, whereas the by-law permits a maximum driveway width of 7.32 metres; and
4. To permit 0.28 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Executive Residential' in the Vales of Humber Secondary Plan (Area 50). In relation to Council Endorsed Brampton Plan 2023, the subject property is designated as 'Residential' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 - Designations).

Variance 4 requests to permit 0.28m of permeable landscaping between the driveway and the side lot line. This does not meet the general intent of the Official Plan as it is not in accordance with the Development Design Guidelines which recognizes key elements of design for residential areas. Landscaping is one of the features that is required.

In regards to Variances 1, 2 and 3, the requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and 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 an accessory structure (existing shed) located in the rear yard having a setback of 0.51 metres to the rear lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line. Variance 2 is requested to permit an accessory structure (existing shed) located in the rear yard having a setback of 0.3 metres to the side lot line, whereas the by-law requires a minimum 0.6 metres 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 would not appear to be impacted by the accessory structure. Subject to the conditions

of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a driveway width of 10.36 metres, whereas the by-law permits a maximum driveway width of 7.32 metres. 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 limit an excessive amount of vehicles that can be parked in front of the dwelling. Variance 4 is requested to permit 0.28 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line. The intent of the bylaw in requiring a minimum permeable landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties. During the Staff visit for the property, staff noticed that the existing 0.3m permeable landscaping consists of gravel which is not considered to be permeable landscaping. In order to preserve the ability of proper drainage to occur and remain on the property, Staff recommend the refusal of Variance 2 as it is not considered to maintain the general purpose of the Zoning By-Law.

As per the staff site visit, Staff are of the opinion that the current layout of the lot does not allow an excessive number of cars to be parked in front of the dwelling. Given Staff's recommendation to refuse Variance 2, it is recommended that a maximum driveway width of 10.04 metres be approved, reflecting the reinstating of the 0.6m permeable landscape strip abutting the property line. Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the bylaw.

3. Desirable for the Appropriate Development of the Land

Variance 1 and 2 are requested to permit a shed that will be located 0.51 metres from the rear yard lot line and 0.3 metres from the side yard lot line where 0.6 metres is required to the side lot line, as per the Zoning By-law. The addition of the shed is seen as appropriate for the development of the land as it allows for additional storage on the property. An adequate amount of recreational space remains in the rear yard of the property and drainage will not be impacted. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

Variance 3 is requested to permit a driveway width of 10.36 metres, whereas the by-law permits a maximum driveway width of 7.32 metres. Staff recommend approval of variance 1. Although the proposed driveway would be 3.04m greater than permitted, given the configuration of the driveway, it is not anticipated that there would be sufficient space for additional vehicles to park in front of the main entrance of the dwelling. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

Variance 4 is requested to permit 0.3m of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum of 0.6m of permeable landscaping abutting the side lot line. The intent of providing a permeable landscaping strip is to ensure that the front yard is not dominated by hardscaping and that permeable surface is provided for drainage. The existing site configuration is not supportable due to the expansive use of hardscaping on the front yard and lack of permeable

materials which may impact adequate drainage on site. Variance 4 is not desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 seek reduced setbacks from accessory structures to the lot lines in the rear of the property. As minimal maintenance is required for the fence and shed, Staff are of the opinion that the requested setbacks from the property line to the shed should suffice in order to maintain adequate drainage. Subject to the recommended approval conditions, Variances 1 and 2 appropriate for the development of the land.

Given the driveway shape and configuration which connects to the walkway leading to the front entrance of the dwelling, the requested variance to permit an existing driveway width is not considered to facilitate an excessive number of vehicles to be parked in front of the dwelling. The widened driveway is not anticipated to have negative impacts on drainage subject to Staff's recommendations to reduce the width through the reinstating of the permeable landscaping strip. Variance 3 is considered to be minor in nature.

The request for 0.3m of permeable landscaping between the driveway and side lot line is not seen as minor in nature as the front yard is predominately dominated by hardscaping and there would not be a sufficient amount of landscaping. Variance 2 is not considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

