



Report Committee of Adjustment

Filing Date: November 6, 2024
Hearing Date: December 10, 2024
File: A-2024-0424
**Owner/
Applicant:** **ROBIN SINGH**
Address: **568 Conservation Drive**
Ward: WARD 10
Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0424 is supportable, in part, 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 drainage on adjacent properties shall not be adversely affected; and
 3. Variance 5 to permit 0.0 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.96 feet) of permeable landscaping abutting the side lot line be refused; 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:

Existing Zoning:

The property is zoned 'Residential Single Detached A (2)-Special Section 106 (R1A (2)-106)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a minimum lot area of 0.35 hectares, whereas the By-law requires a minimum lot area of 0.4 hectares;
2. To permit a minimum lot width of 29 metres (95.14 feet), whereas the By-law requires a minimum lot width of 36.5 metres (119.75 feet);
3. To permit a setback of 28.62 metres (93.89 feet) from the centre line of a street, whereas the by-law requires a minimum centre line setback of 32.0 metres (104.98 feet);
4. To permit the surface area of a semi-circular driveway to be 52.08% of the front yard area, whereas the by-law permits a maximum 50% of the front yard area to be residential driveway; and
5. To permit 0 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.96 feet) 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 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Snelgrove- Heartlake Secondary Plan (Area 1). 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, along with building setbacks and supporting different architectural styles. The layout of the driveway should be in such a manner that it complements and is consistent with the overall streetscape aesthetic. The requested variances, including those relating to the proposed addition and lot width and area are 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 minimum lot area of 0.35 hectares, whereas the By-law requires a minimum lot area of 0.4 hectares. Variance 2 is requested to permit a minimum lot width of 29 metres (95.14 feet), whereas the By-law requires a minimum lot width of 36.5 metres (119.76 feet). The intent of the by-law in regulating the lot area is to ensure that the lot dimensions can accommodate the intended use or development, in addition to maintaining the existing streetscape of the area and providing adequate site access. Construction of the house was completed and Variances 1 and 2 were submitted to bring the single-detached home into compliance. The subject property does not meet the minimum lot area required for this property by 0.05 hectares and requires another 7.5 metres (24.60 feet) to meet the minimum lot width requirement. Despite the home not meeting the required minimum lot area and minimum lot width, the deficiencies are not viewed as ones that will severely impact the character of the neighbourhood, especially with the houses sitting near the end of a cul-de-sac. The lot is existing and the variances are sought to bring the area and width into compliance. Subject to the recommended conditions of approval, Variances 1 and 2 maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a setback of 28.62 metres (93.89 feet) from the centre line of a street, whereas the by-law requires a minimum centre line setback of 32.0 metres (104.98 feet). The intent of the by-law in requiring a minimum distance from the centre line of a street is to ensure that sufficient area is provided in the front yard for parking and for the maintenance of the landscaped area. As the roads are only one lane and narrow, heading north along Conservation Drive, there is a greater emphasis on maintaining the neighbourhood aesthetic. This variance is required, as an addition to the home is proposed, in the form of an extension to the existing attached garage. As the edge of the existing garage is on a diagonal line, in relation to the centre street line, 2.67 metres (8.75 feet) will be added to the northern portion of the garage to the east and 7.09 metres (23.25 feet) will be added to the southern portion of the garage. The reduction of 3.38 metres (11.08 feet) from the front property line to the centre line of the street is not viewed by Staff as a reduction that will have a significant impact on the aesthetic of the community. The owner of the home will still maintain a setback of 20.31 metres (66.63 feet) in the front yard, whereas the minimum requirement is 9.0 metres (29.53 feet). There is a sufficient amount of parking and landscaped area maintained at the front of the property. Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit the surface area of a semi-circular driveway to be 52.08% of the front yard area, whereas the by-law permits a maximum 50% of the front yard area to be residential driveway. The intent of this by-law is to ensure that landscaped area is maintained in the front yard and to limit the parking of an excessive amount of vehicles in the front yard of the home. There is 7376 square feet of area in the front yard. With 52.08% of the front yard being covered by hardscaping material, it would leave 3,535 square feet of landscaped area in the front yard. The requirement would be to have 3,688 square feet of landscaped area. If the proposed garage is constructed, it will mitigate concerns surrounding the exposure of automobiles in the front yard and it will assist with supporting the neighbourhood streetscape. Subject to the recommended conditions of approval, Variance 4 maintains the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit 0 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.96 feet) of permeable landscaping abutting the side lot line. The intent of the by-law in requiring a minimum permeable landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties. The reduction of the landscaped area along the southern lot line is not in accordance with the City's Development Design Guidelines for residential neighborhoods. The hardscaping along the side of the property can potentially lead to drainage issues on the subject property or on adjacent land. As a result, Variance 5 does not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit a minor decrease to the minimum lot area and lot width in order to bring an existing single-detached home into compliance. The home is considered compatible with the existing neighbourhood that consists of single-detached homes. These two variances are not anticipated to negatively impact the character of the neighbourhood. The single-detached home was constructed, while maintaining the aesthetic of the neighbourhood. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

Variances 3 and 4 seek to permit the reduced distance from the centre line of the street to the front of the property and to keep 52.08% of hardscaped areas, whereas the by-law requires 50% of the front yard to be landscaped open space. The hardscaped areas are existing, with cars parking in the area where an addition is being proposed. A proposed garage will be built, lessening the distance between the front of the home and the centre lot line. The addition will only be 6.9 metres (22.75 feet) in width and will be the only portion of the property that will encroach into that distance that is required from the centre line. Staff are of the opinion that the garage will alleviate concerns with the front yard being dominated by the visibility of vehicles. Despite the reduced amount of landscaped area in the front yard, 3,535 square feet of landscaped area is still preserved and assists in maintaining the semi-circular driveway that can be seen on the lots of abutting properties. Subject to the recommended conditions of approval, Variances 3 and 4 are appropriate for the development of the land.

Variance 5 results in the removal of the landscaped area along the side lot line, which is intended to frame the lots within a neighborhood and reduce the impact of driveways on the streetscape. With concerns regarding the alteration of drainage flows, the requested variance is generally not considered to maintain the general intent and function of the subject property, adjacent properties, and the neighborhood. The requested variance is not considered desirable and appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit a reduction in the lot area and lot width. The reduction to the lot area and width are not considered to be a significant deviation from the minimum requirements of the by-law. As the home is already constructed, Staff are of the opinion that the home does not alter the existing character of the neighbourhood. Variances 1 and 2 are considered minor in nature.

Variance 3 is being sought to permit the reduction in proximity from the front of the home to the centre lot line. Variance 4 is being sought to reduce the amount of landscaped open area in the front yard.

The applicant submitted the application to assist with facilitating the development of a garage extension. If this is constructed, concerns will be lessened surrounding the visibility of cars in the front yard. With a small reduction of landscaped area in the front yard, Variances 3 and 4 are considered minor in nature.

Variance 5 is being requested to permit a reduced permeable landscaping width of 0 metres along the southern portion of the lot, which can have negative impacts on the property. As hardscaped material can already be found within this section of the property, it will have to be removed and replaced with permeable material, as per conditions stated in this Staff Report. Variance 5 is not deemed minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Ellis Lewis, Planner I

Appendix A:

