



## Report Committee of Adjustment

**Filing Date:** July 16, 2021  
**Hearing Date:** August 24, 2021

**File:** A-2021-0161

**Owner/  
Applicant:** SAURIN DAVE AND GEETANJALI DAVE

**Address:** 2 Blue Diamond Drive

**Ward:** WARD 8

**Contact:** François Hémon-Morneau, Planner I

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### **Recommendations:**

That application A-2021-0161 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 drainage on adjacent properties not be adversely impacted;
  3. That the existing municipal curb depression shall not be widened in the area of the extended driveway width; 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 applicant is requesting a variance to permit a proposed gazebo in the rear yard of the property. Upon site inspection, additional variances were identified for an existing increased driveway width and reduced permeable landscaping between the driveway and the side lot line.

### Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-1059)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory building (proposed gazebo) with a building height of 3.34m (10.96 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure;
2. To permit an existing driveway width of 7.92m (25.98 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.);
3. To permit 0.14m (0.50 ft.) permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) between the driveway and the side 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 Residential' in the Bramalea North Industrial Secondary Plan (Area 13). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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 an accessory building (proposed gazebo) with a building height of 3.34m (10.96 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure. The intent of the by-law in regulating the permitted height of an accessory structure is to ensure that the structure does not have negative visual massing impacts on adjacent properties.

The gazebo is proposed to be situated in the rear yard of the corner lot property and will maintain all setback requirements. The gazebo is proposed to have a peaked circular roof design with a height which is 0.34m (1.12 ft.) taller than what the by-law permits. Given the size and distance between the proposed accessory structure (gazebo) to the adjacent properties and the existing vegetation surrounding the site, the proposed increase in height of the accessory structure is not considered to cause negative visual impacts. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an existing driveway width of 7.92m (25.98 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.). Variance 3 is requested to permit 0.14m (0.50 ft.) permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) between the driveway and the side lot line. The intent of the By-law in regulating the maximum permitted driveway width and requiring a minimum permeable landscape strip along the interior lot line is to ensure that the driveway does not dominate

the front yard landscaped area that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The existing driveway width is 0.60m (1.98 ft.) wider than what the by-law permits and is located on the southwest side of the driveway. Furthermore, the applicant is requesting a 0.46m (1.47 ft.) reduction to the permeable landscaping between the driveway and the side lot line from what the by-law permits. The portions of the existing driveway that were widened consist of concrete and is not considered to significantly impact drainage or contribute to a substantial loss of landscaped open space on 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 area. In this case, the materials used maintain the intent of the Zoning By-law by not visually dominating the front yard of the property. Subject to the recommended conditions of approval, variances 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The applicant is requesting a variance to permit a proposed gazebo in the rear yard of the property. While a variance for the height is required, the proposed accessory structure is appropriate in its size and maintains setback requirements. The gazebo is not anticipated to cause negative visual massing impact to adjacent properties. The variance is considered desirable for the appropriate development of the land.

Additional variances are requested to permit an existing driveway width and reduced permeable landscaping between the driveway and the side lot line. The existing conditions of the driveway is not out of characteristic for neighbourhood and does not pose negative impacts. A condition of approval is recommended that the existing municipal curb depression shall not be widened in the area of the extended driveway width. Further, and to minimize the potential for negative impacts to the drainage resulting from the driveway extending to the property line, a condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The subject property is located within a residential area of the City of Brampton. Considering the site conditions of the property, the proposed gazebo will not detract from access to outdoor amenities and the height of the building is not anticipated to create negative visual massing impacts on surrounding properties. Furthermore, the increased driveway width and reduced permeable landscaping are not considered to present negative impacts related to the existing conditions of the driveway and hard landscaping. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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