



Report Committee of Adjustment

Filing Date: August 16, 2022
Hearing Date: September 13, 2022

File: A-2022-0263

**Owner/
Applicant:** SUKDEV SINGH & KULVIR KAUR / INDERJIT SINGH

Address: 10 Kirk Drive

Ward: WARD 5

Contact: Constance Tsang, Planner I

Recommendations:

That application A-2022-0263 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 shall not be adversely affected; and
 3. 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 C (R1C)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 7.58m (24.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit a roof to encroach 3.54m (11.61 ft.) into the minimum required rear yard setback, resulting in a rear yard setback of 4.34m (14.24 ft.) whereas the by-law

permits a maximum roof encroachment of 2m (6.56 ft.) into the minimum required rear yard setback, resulting in a rear yard setback of 5.88 m (19.29 ft.);

3. To permit lot coverage of 37% whereas the by-law permits a maximum lot coverage of 30%.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated "Residential" in the Official Plan and "Low Medium Density Residential" in the Brampton Flowertown Secondary Plan (Area 6). The Residential designation supports the current use and the variances have no impact within the context of the Official Plan policies.

The nature and extent of the proposed variances, subject to the recommended conditions, maintain the general purpose and intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Residential Single Detached C (R1C)" according to By-law 270-2004, as amended.

Variance 1 is requested to permit a driveway width of 7.58m (24.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). 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 that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling. The driveway is currently existing and while being larger than permitted is done in a manner that does not negatively impact the streetscape as there is ample room in the front yard for landscaping elements. Additionally, the existing driveway was installed as a decorative extension to the existing dwelling and is contributing positively to the dwelling. The increased driveway width is not anticipated to negatively impact the property or the adjacent properties.

A condition of approval is that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision.

Variance 2 is requested to permit a roof to encroach 3.54m (11.61 ft.) into the minimum required rear yard setback, resulting in a rear yard setback of 4.34m (14.24 ft.) whereas the by-law permits a maximum roof encroachment of 2m (6.56 ft.) into the minimum required rear yard setback, resulting in a rear yard setback of 5.88 m (19.29 ft.). The intent of the by-law in regulating the maximum roof encroachment in the rear yard is to ensure that the dwelling and the roof do not dominate the rear yard amenity space. The rear yard includes a covered amenity space which contributes positively to the rear yard amenity area. The existing roof encroachment is not anticipated to dominate or detract from the amenity space.

A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected.

Variance 3 is requested to permit lot coverage of 37% whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating the maximum permitted lot coverage for a residential dwelling is to ensure that there is adequate outdoor amenity space. The existing lot coverage still allows for ample room in both the front and rear yard amenity spaces to be enjoyed by the current and any potential future owners.

Subject to the recommended conditions of approval, the requested variances maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit an existing driveway width of 7.58m (24.87 ft.). The appearance of the driveway positively contributes to the aesthetic character of the property. The driveway has not been built up to the property line and is not anticipated to result in any negative impacts to pertaining to drainage for the subject or adjacent properties.

Variance 2 is requested to permit an existing roof to encroach 3.54m (11.61 ft.). The roof encroachment is a result of the existing covered amenity space in the rear yard. The covered amenity space contributes positively to the rear yard and is not anticipated to negatively impact the property of adjacent properties.

Variance 3 is requested to permit an existing lot coverage of 37%. The existing lot coverage does not appear to be impeding on the functional outdoor amenity areas as is not anticipated to negatively impact these amenity spaces.

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 variances requested are not exacerbated and that permissions are not further reduced.

Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1, 2, and 3 all meet the general intent of the Official Plan, the Zoning By-law and can generally be considered desirable and appropriate for the development of the land. The requested variances are also fairly nominal in nature and there are no anticipated negative impacts to the property or adjacent properties.

Subject to the recommended conditions of approval, Variances 1, 2 and 3 are considered to be minor in nature.

Respectfully Submitted,

Constance Tsang

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Planner I