



Report Committee of Adjustment

Filing Date: August 10, 2022
Hearing Date: September 13, 2022
File: A-2022-0253
**Owner/
Applicant:** CARLOS PEREIRA
Address: 91 Harold Street
Ward: WARD 3
Contact: Constance Tsang, Planner I

Recommendations:

That application A-2022-0253 is supportable, in part, subject to the following conditions being imposed:

1. That the extent of be limited to that shown on the sketch attached to the Notice of Decision;
 2. That Variance 2 for a driveway width of 8.17m (26.80 ft.) be refused; 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 B (R1B)", according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To provide a 2.16m (7.09 ft.) rear yard setback to a proposed 2 storey addition whereas the by-law requires a minimum rear yard setback of 7.62m (25 ft.) {25% of the depth of the lot};
2. To permit a driveway width of 8.17m (26.80 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.), or the width of the garage, whichever is greater, for a driveway on the flankage lot line;
 - *The applicant has provided staff with a revised site plan drawing (Appendix A) depicting an updated driveway width of 6.71m (22 ft.) which complies with the maximum permitted*

driveway width within the Zoning By-law, therefore the variance is no longer required and not included in the analysis of this report.

3. To permit an accessory structure (existing gazebo) in the front yard whereas the by-law prohibits accessory structures in the front yard;
4. To permit an existing fence in the front yard having a maximum height 1.78m (5.84 ft.) whereas the by-law permits a maximum height of 1.0m (3.28 ft.) for a fence in the front yard;
5. To permit an existing fence in the visibility triangle having a maximum height of 1.78m (5.84 ft.) whereas the by-law permits a maximum fence height of 0.8m (2.62 ft.) in the visibility triangle.

Current Situation:

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

The property is designated "Residential" in the Official Plan and "Low Residential" in the Brampton Flowertown Secondary Plan (Area 6). The requested variances are not considered to have any significant impacts within the context of Official Plan policies. Subject to the recommended conditions of approval, the variances are considered to maintain the general purpose and intent of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned "Residential Single Detached B (R1B)", according to By-law 270-2004, as amended.

Variance 1 is requested to provide a 2.16m (7.09 ft.) rear yard setback to a proposed 2 storey addition whereas the by-law requires a minimum rear yard setback of 7.62m (25 ft.). Based on the orientation of the dwelling, the property functionally utilizes the front yard as the rear yard and the rear yard as the side yard. The intent of the setback reduction is required to facilitate the proposed footprint of the attached garage and second storey addition. The intent of the by-law in regulating the required interior side yard setback to a second storey addition is to ensure that sufficient distance is maintained between dwellings and that the massing of the second storey does not impose upon the adjacent property. The scale of the addition is considered appropriate relative to the size of the property and no shadowing or significant massing impacts are anticipated. Variance 1 is not anticipated to have any negative impacts and is in keeping with the general intent of the by-law.

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 so not to further decrease the setbacks to the lot lines.

Variance 2 is no longer required given that the applicant has provided staff with a revised site plan drawing (Appendix A) depicting an updated driveway width of 6.71m (22 ft.) which complies with the maximum permitted driveway width within the by-law.

Variance 3 is to permit an accessory structure (existing gazebo) in the front yard whereas the by-law prohibits accessory structures in the front yard. The intent of this by-law is regulate the location of accessory structures to ensure the appearance of the structure does not negatively impact the overall

streetscape and community. Based on the orientation of the dwelling, the property functionally utilizes the front yard as the rear yard and the rear yard as the side yard. As the existing accessory structure screened, the variance is not anticipated to have negative impacts and is in keeping with the general intent of the by-law.

Variance 5 is to permit an existing fence in the visibility triangle having a maximum height of 1.78m (5.84 ft.) whereas the by-law permits a maximum fence height of 0.8m (2.62 ft.) in the visibility triangle. The intent of the by-law is to ensure that there are no obstructions on a corner of a lot which would impede the visibility of pedestrians, cyclists, or motorists. Additionally, Traffic staff have confirmed that permitting this variance would not cause sightline issues for motorists. The existing site conditions are not anticipated to generate negative impacts and is in keeping with the general intent of the by-law.

A condition of approval is recommended that the extent of Variances 3, 4, and 5 be limited to that shown on the sketch attached to the Notice of Decision so as to not move or alter the existing structures (gazebo and fence).

Based on the above analysis, the general purpose and intent of the Zoning By-law is maintained in Variance 1, 3, 4 and 5.

3. Desirable for the Appropriate Development of the Land

Variance 1 is to provide a 2.16m (7.09 ft.) rear yard setback to a proposed 2 storey addition whereas the by-law requires a minimum rear yard setback of 7.62m (25 ft.). It is not anticipated that this variance will have negative impact on the adjacent property.

Variance 2 is no longer required given that the applicant has provided staff with a revised site plan drawing (Appendix A) depicting an updated driveway width of 6.71m (22 ft.) which complies with the maximum permitted driveway width within the by-law.

Variance 3 is to permit an accessory structure (existing gazebo) in the front yard whereas the by-law prohibits accessory structures in the front yard. It is not anticipated that this variance will have negative impact on the adjacent property or neighbourhood as it is an existing structure and screened from the roads and public realm.

Variance 4 and 5 are relating to the existing fence and the maximum height. The property functionally utilizes the front yard as the rear yard and the rear yard as the side yard, and there are no sightline concerns. Therefore, it is not anticipated that these variance will negatively impact the streetscape or surrounding neighbourhood.

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

In regard to Variance 1, 3, 4 and 5, the requested variances are not anticipated to negatively impact the property or adjacent properties and are considered minor in nature.

Variance 2 is no longer required given that the applicant has provided staff with a revised site plan drawing (Appendix A) depicting an updated driveway width of 6.71m (22 ft.) which complies with the maximum permitted driveway width within the by-law.

The requested variances, subject to the recommended conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

Constance Tsang

Constance Tsang
Planner I

Appendix A – Revised Site Plan

