



Report Committee of Adjustment

Filing Date: September 12, 2022

Hearing Date: October 15, 2022

File: A-2022-0318

**Owner/
Applicant:** PAVAN BASSI & ANJULA AHLUWALIA

Address: 120 LINKDALE ROAD

Ward: Ward 1

Contact: Mohammed Jalabi, Assistant Development Planner

Recommendations:

That application A-2022-0318 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 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 D (R1D-1245)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit 2 parking spaces with a depth of 5.19m (17.03 ft.) whereas the by-law requires a minimum depth of 5.4m (17.72 ft.);
2. To permit lot coverage of 33.88% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit an existing accessory structure having a rear yard setback of 0.42m (1.38 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property 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 Brampton Flowertown Secondary Plan (Area 6). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are 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 2 parking spaces with a depth of 5.19m (17.03 ft.) whereas the by-law requires a minimum depth of 5.4m (17.72 ft.) and variance 2 is to permit a lot coverage of 33.88% whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating driveway width and lot coverage is to ensure that driveways, and the potential parking of vehicles that driveways can accommodate, does not dominate the front of the lot or streetscape. Staff note that the existing site conditions relating to the driveway and lot coverage are legal non-conforming.

The driveway is proposed to be shortened to a total depth of 5.19m (17.03 ft.) which is 0.21m (0.69 ft.) less than what the by-law permits. The existing area of the driveway would be located directly in front of the garage away from the main wall of the dwelling and front porch. Furthermore, upon site inspection staff identified that the existing depth of 5.19m (17.03 ft.) is sufficient to maintain 2 parking spaces without encroaching onto the street walkway. Furthermore, staff note that upon site inspection and review of the site plan drawing, the existing lot coverage 3.88% greater than the permitted 30% does not dominate front of the lot or streetscape or access to the main dwelling and rear yard.

Variance 3 is requested to permit an existing accessory structure having a rear yard setback of 0.42m (1.38 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property line. The intent of the by-law in regulating minimum setbacks is to ensure that there is adequate room for drainage and maintenance of structures. In this case, the shed requires minimal maintenance and drainage in the rear yard does not appear to have been affected by the shed. Based on the roof design of the existing shed, the runoff of water is directed onto the subject property and should not impact the drainage on adjacent properties. Variances 1, 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

Variances 1 is requested to permit 2 parking spaces with a shortened driveway depth. The shortened driveway is considered sufficient to facilitate the parking of an additional vehicle. Subject to the recommended conditions of approval, the variances are not anticipated to generate negative impacts on-site or off-site and can be desirable for the appropriate development of the land.

Variances 2 is requested to permit a 3.88% increase to the lot coverage. The lot coverage is an existing site condition reflective of the size of the dwelling. The variance is not considered to generate negative impacts on-site or off-site. Variance 3 is considered desirable for the appropriate development of the land.

Variance 3 is requested to allow an existing accessory structure (Shed) with a rear yard setback which does not meet the requirements of the Zoning By-law. Upon conducting a site visit, staff observed that the accessory structure (Shed) does not hinder access nor cause drainage or any other planning concerns. Variance 3 is considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit a driveway with a reduced depth and an increase in lot converge. The requested variances do not create any significant impacts in relation to the ability to park vehicles without obstructing the sidewalk, walkway encroachment or impact to the streetscape. The variance to allow an existing accessory structure (shed) in the rear and side yard does not pose significant drainage or access issues to the subject property or adjacent properties. Subject to the recommended conditions of approval, the variances are not anticipated to generate negative impacts on-site or off-site. The requested variances are considered to be minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner