



Report Committee of Adjustment

Filing Date: October 27th 2022
Hearing Date: December 6th 2022

File: A-2022-0353

**Owner/
Applicant:** KAVALJIT KAUR / ISMATULLAH AMIRI

Address: 693 Peter Robertson Boulevard

Ward: WARD 9

Contact: Chinoye Sunny, Planner I

Recommendations:

That application A-2022-0353 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 the Applicant/Owner shall obtain a building permit for the existing rear deck within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
 3. That the Applicant/Owner shall ensure that all above ground utilities and signs are offset a minimum 1.2 metre from all proposed driveways and indicate as such on a revised site plan;
 4. That the Applicant/Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances; and
 5. 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 three (3) Minor Variances for a reduced rear yard setback for an existing deck and an increased driveway width and reduced permeable landscaping along the property line.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B-612)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 3.12m (10.24 ft.) to an existing deck whereas the by-law requires a minimum rear yard setback of 4.5m (14.76 ft.);
2. To permit a driveway width of 8.48m (27.82 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.0m of permeable landscaping abutting property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side 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 is further designated "Low Density Residential 1" in the Springdale Secondary Plan (Area 2). 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

The property is zoned 'Residential Single Detached B (R1B-612)', according to By-law 270-2004, as amended.

Variance 1 is requesting to permit a rear yard setback of 3.12m (10.24ft.) to an existing deck whereas the by-law requires a minimum rear yard setback of 4.5m (14.76 ft.). The intent of the by-law in requiring minimum setbacks for decks is to ensure sufficient space is provided for drainage. Despite the reduced rear yard setback, the configuration of the existing deck is not anticipated to negatively impact drainage and access to the rear yard. As such, the general intent and purpose of the Zoning By-law is maintained.

Variance 2 is requesting to permit a driveway width 8.48m (27.82 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. Variance 3 is requesting to permit 0.0m of permeable landscaping abutting property line whereas the by-law requires a minimum 0.6m (1.9 ft.) wide permeable landscaping strip abutting the side property line. The intent of the by-law in requiring a minimum permeable landscape strip along

the interior property line is to ensure that sufficient space is provided for drainage and to create a positive visual impact for the property.

The existing concrete driveway is 1.77m (5.81 ft.) wider than maximum permitted driveway provision within the by-law. The increased width is not considered to significantly impact drainage or access to 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 neighbourhood. As such, the general intent and purpose of the Zoning By-law is maintained.

3. Desirable for the Appropriate Development of the Land

The variances requested is to permit a reduced rear yard setback for an existing deck and an increased driveway width and reduced permeable landscaping along the property line. Subject to the recommended conditions of approval, the variances are desirable for the appropriate development of the land. A condition of approval is recommended that the owner shall obtain a building permit for the existing rear deck within 60 days of the decision of approval or extended at the discretion of the Chief Building Official.

4. Minor in Nature

The requested variances are to accommodate the existing site conditions of a rear yard deck and widened driveway. The requested variances are not considered to impact access to the rear yard or drainage on adjacent properties, and the impact of the driveway is minimal. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,



Chinoye Sunny, Planner I