



Report Committee of Adjustment

Filing Date: November 25, 2022

Hearing Date: January 3, 2023

File: A-2022-0382

**Owner/
Applicant:** Rupali Sandeep Buchake

Address: 39 Forsythia Road

Ward: WARD 8

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2022-0382 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. The owner shall obtain a building permit for the existing side porch within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 3. The owner must obtain a Road Occupancy and Access Permit for the existing curb cut from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances.
 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:

Existing Zoning:

The property is zoned 'Residential Semi-Detached (R2A(1)-100)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance(s):

1. To permit a driveway width of 7.32m (24 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit an interior side yard setback of 0.0m to an existing side yard porch whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.);
3. To permit lot coverage of 35.24% whereas the by-law permits a maximum lot coverage of 33.3% for a semi-detached dwelling.

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The Residential designation supports the current use and the requested variances are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and 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

The subject lands are currently zoned 'Residential Semi-Detached A(1),' Special Section 100 (R2A(1)-100), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an existing driveway width of 7.32m (24 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 for an excessive number of vehicles to be parked in the front of the dwelling.

The existing driveway width is 0.61m (2.00 ft.) wider than what the By-law permits. Given the modest increase in driveway width, staff are of the opinion that the extension will not significantly impact drainage or contribute to a substantial loss of landscaped open space on the property as a substantial amount of landscape and permeable area is maintained on the subject property. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an interior side yard setback of 0.0 m to an existing side yard porch whereas the by-law requires a minimum interior side yard setback of 3.0 m (9.84 ft.). The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The variance relates to an existing roofed porch located between the interior side yard lot line and the dwelling. The structure is considered an addition because it is attached to the side of the dwelling.

The location and configuration of the porch are not considered to generate drainage impacts on the adjacent property due to eavestrough orienting the flow of water onto the subject property. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a lot coverage of 35.24% whereas the by-law permits a maximum lot coverage of 33.3% for a semi-detached dwelling. The general intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriate to the size of the property and does not detract from the provision of open space. The existing dwelling combined with the roofed porch results in a lot coverage that is 1.94% greater than what the by-law permits. The size of the existing dwelling and porch area are appropriately sized relative to the overall size of the property. Sufficient area will be maintained for open space amenity area on the lot. The variance is considered to maintain 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 0.61m (2.00 ft.) larger than the maximum permitted width of 6.71m (22 ft.). The visual impact of the existing driveway is minimal and not considered to pose significant issues of drainage on adjacent properties. The variance is considered to be desirable for the appropriate development of the land.

Variance 2 is requested to permit an interior side yard setback of 0.0 m to an existing side yard porch. The porch located at the side of the dwelling was constructed in a manner that allows for passage to the side entrance and rear yard. Additionally, the eavestrough orients drainage on to the subject property and neighbouring properties will not be adversely impacted. The variance is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit a 1.94% increase to the total lot coverage and is needed to permit the existing roofed porch. The increased coverage is not anticipated to result in site conditions contributing to a sense that the subject lands are overdeveloped and sufficient amenity space in the front and rear of the property is maintained. The variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is requested to accommodate the existing site conditions for a widened driveway. The visual impact of the driveway is minimal and not considered to impact drainage. The requested variance is considered to be minor in nature, subject to the recommended conditions of approval.

Variances 2 and 3 pertaining to the existing roofed porch are not considered to create any significant drainage or access issues to the subject property or adjacent properties. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner