



Report Committee of Adjustment

Filing Date: December 10, 2023

Hearing Date: February 14, 2023

File: A-2023-0008

**Owner/
Applicant:** UMAIR ZAHID

Address: 50 Caledon Crescent

Ward: WARD 3

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0008 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 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.
 3. If a curb cut is requested, the owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance & Operations Section.
 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:

The subject property was subject to a previous minor variance application (A-2021-0030) and Site Plan application (SPA-2021-0061). The previous minor variance application has been withdrawn and the Site Plan application is no longer active due to changes to the City of Brampton Site Plan application process.

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 permit a side yard setback of 1.3m (4.27 ft.) to the second storey whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) to the second storey;
2. To permit a balcony encroachment in the side yard having a setback of 1.52m (5.0 ft.) whereas the by-law does not permit a balcony in the side yard;
3. To permit a driveway width of 7.37m (24.15 ft.) whereas the by-law permits a maximum width of 7.32m (24 ft.);
4. To permit a 0.3m (0.98 ft.) permeable landscape strip whereas the by-law requires a minimum 0.6m (1.97 ft.) permeable landscape strip.

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 Residential' in the Brampton Flowertown Secondary Plan (Area 6). 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 Single Detached B' (R1B), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a side yard setback of 1.3m (4.27 ft.) to the second storey whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) to the second storey. The intent of the by-law in regulating the required 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 properties.

The applicant is proposing to construct a second storey addition above the southern portion of the dwelling above the existing garage. A 0.5m (1.64 ft.) reduction to the second storey side yard setback is requested from what the by-law permits. The second storey addition will be located above an existing garage located on the ground floor. The existing garage will maintain the required side yard setbacks. The reduced side yard setback is not anticipated to adversely impact the visual massing or

shadowing on adjacent properties, as the height of the proposed addition matches that of the existing home. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a balcony encroachment in the side yard having a setback of 1.52m (5.0 ft.) whereas the by-law does not permit a balcony in the side yard. The intent of the by-law in regulating the maximum encroachment for a balcony and minimum side yard setback is to ensure that the size of the balcony is appropriate relative to the dwelling. Sufficient distance should be maintained between structures and dwellings, and the massing of the balcony addition should not impose upon or impact the privacy of adjacent properties. The maximum encroachment for a balcony is also enforced to not detract from the provision of outdoor amenity space.

The proposed balcony addition is proposed to be located at the west and southern portions of the dwelling. The balcony will primarily have a view of the subject property rear yard. Staff do not anticipate any privacy concerns with the neighbouring property (48 Caledon Crescent), as the neighbouring property dwelling is further recessed in their lot, effectively screening their backyard from the view of the balcony. The balcony addition does not negatively impact the provision of outdoor amenity space as it does not encroach upon the ground level of the rear yard. Variance 2 maintains the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a driveway width of 7.37m (24.15 ft.) whereas the by-law permits a maximum width of 7.32m (24 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 is 0.05m (0.16 ft.) wider than what the by-law permits. The widened portion of the driveway was installed as a decorative extension (stamped concrete) to the existing driveway. As per the site visit (Appendix A) it appeared that the driveway extension was not used for the parking of vehicles and rather functioned as a dedicated walkway to the entrance. Variance 3 maintains the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a 0.3m (0.98 ft.) permeable landscape strip whereas the by-law requires a minimum 0.6m (1.97 ft.) permeable landscape strip. The intent of the by-law in requiring a minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The applicant is requesting a 0.3m (0.98 ft.) reduction to the permeable landscaping between the driveway and the side lot line from what the by-law permits. Staff are of the opinion that the reduced landscape strip does not significantly impact drainage or contribute to a substantial loss of landscaped open space on the property. Variance 4 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 facilitate the construction of a second storey addition above the existing attached garage. The variance is to permit a minor decrease to the side yard setback to the second storey addition which is not anticipated to significantly contribute to undesirable visual massing, or shadowing impacts as the proposed extension maintains the general character of neighbouring two-

storey dwellings. The extension is proposed over the existing garage, as depicted in the elevation drawings, the height and width of the proposed extension matches the existing roof height, conforming with the existing architectural elements of the home. Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is seeking to permit a balcony along the southern and western portions of the property. Given the proposed configuration of the balcony, it is not considered to generate negative impacts with respect to the provision of at-grade outdoor amenity space as adequate rear yard space is maintained. The balcony is also not anticipated to create privacy concerns as it will be screened by the abutting property to the south. Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is seeking to permit a wider driveway width than what is permitted. The existing driveway is paved in a manner that does not negatively impact the streetscape as there is ample room in the front yard for landscaping elements. Additionally, the widened portion of the driveway was installed as a decorative extension to the existing driveway and contributes positively to the dwelling and streetscape by providing a break in the existing asphalt driveway. Variance 3 is considered to be desirable for the appropriate development of the land.

Variance 4 is requested to permit a reduction in the required permeable landscaped area adjacent to the driveway. The requested reduction is not anticipated to negatively impact drainage on the property or adjacent properties or contribute to a substantial loss of landscaped open space on the property. Variance 4 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 relating to the dwelling's second storey setback is requested to permit the proposed second storey addition. The proposed reduction to the second storey side yard setback is not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the addition. The garage on the ground floor will continue to maintain adequate side yard setbacks and the second storey addition is consistent with other two-storey dwellings in the area. Variance 1 is considered minor in nature.

Variance 2 is requested to permit a proposed balcony which is not considered to have any negative impacts on the sufficient provision of outdoor amenity space as an adequate rear yard area is maintained. Moreover, privacy concerns are mitigated through the screening provided by the neighbouring property to the south. Variance 2 is considered minor in nature.

Variance 3 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. Moreover, during staff visit it was observed that the extension was used as a walkway and not for the parking of additional vehicles. Variance 3 is considered to be minor in nature.

Variance 4 is required to permit a reduced permeable landscaped area adjacent to the driveway. The reduction is not anticipated to impact drainage on the property or those adjacent to it. Furthermore,

the reduced landscape area does not detract from the provision of landscaped open space. Variance 4 is considered minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

