



Report Committee of Adjustment

Filing Date: February 7, 2023

Hearing Date: March 7, 2023

File: A-2023-0040

**Owner/
Applicant:** JOHN TEIXIERA

Address: 43 Chapel Street

Ward: WARD 3

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0040 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 shall submit a scoped Heritage Impact Assessment within 60 days of the decision of the approval or as extended at the discretion of the Director of Integrated City Planning;
 3. Should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore subject to Section 48 of the Ontario Heritage Act. The proponent/person discovering the archaeological resources must immediately cease alteration of the site, engage a licensed consultant archaeologist to carry out the archaeological field work, in compliance with Section 48 (1) of the Ontario Heritage Act, and also contact City Heritage staff;
 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 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 0.22m (0.72 ft.) to an attached garage whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.);
2. To permit a driveway width of 2.53m (8.30 ft.) whereas the by-law requires a minimum driveway width of 3.0m (9.84 ft.).

Current Situation:

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

The subject lands are designated 'Central Area' in Schedule A of the Official Plan and 'Low Density Residential' in the Downtown Brampton Secondary Plan (Area 7). The subject lands are also located within the Wellington/ Chapel Heritage Conservation District Study Area as per Appendix C of the Downtown Brampton Secondary Plan. Variances 1 and 2 are requested to permit a reduced interior side yard setback to facilitate the construction of an attached garage and reduced driveway width as a result of the bay window.

Section 8.5.5 of the Secondary Plan provides that consideration should be given to the placement and relationship of buildings, scale and character of the building groups, natural heritage features, and streetscape when reviewing development applications in areas identified in Appendix C of the Secondary Plan. The property is listed on the City of Brampton Register of Cultural Heritage Resources. Heritage Staff have reviewed the application and are supportive of the proposed garage provided that the work is consistent with the character of the property. The proposed work will require the at grade side window (rear right) to be converted into an entrance door opening inside the new garage. The material of the new garage must blend in with the existing brick house and salvaged material from the window must be used. The requested variances are not anticipated to have any significant impacts to the residential use of the subject lands in the context of the Official Plan and Secondary Plan policies, subject to the recommended conditions of approval, and 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 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 0.22m (0.72 ft.) to an attached garage whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.). The intent of the by-law in regulating the required side yard setback is to ensure that sufficient distance is maintained between dwellings and that the massing of the building does not impose upon the adjacent property.

The applicant is proposing to construct an attached garage located on the northwest side of the dwelling. A 0.98m (3.22 ft.) reduction to the side yard setback is requested from what the by-law

permits. The location and configuration of the proposed garage replaces a previous garage on the subject lands that was demolished due to unsafe structural conditions. Due to the configuration of the garage and lot size, access to the rear yard will be provided on the eastern portion of the subject lands. The proposed garage is similar to the neighbouring garage in height and size and is not considered to create negative massing impacts on the adjacent property. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law

Variance 2 is requested to permit a driveway width of 2.53m (8.30 ft.) whereas the by-law requires a minimum driveway width of 3.0m (9.84 ft.). The intent of the by-law in regulating the minimum permitted driveway width is to ensure that sufficient space is provided for vehicles.

In this case, the variance is being requested as a result of the bay window which extends from the northern wall of the home and encroaches within the driveway area. This creates a pinch point within the driveway resulting in insufficient space for standard vehicles to maneuver to the garage. The applicant has indicated that the garage will be used for storage purposes rather than parking a vehicle which prevents encroachment on the neighbour's property. Staff are of the opinion that Variance 2 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 facilitate the addition of a one storey garage on the northwest side of the dwelling. The proposed garage replaces a previously demolished garage which was used to store equipment. The use and function of the garage is not anticipated to create any adverse impacts on site or to adjacent property owners as it continues the previous use. Access to the rear yard will be provided on the eastern portion of the land. The garage is not anticipated to create negative massing impacts to the neighbouring property or the streetscape as it is similar to the neighbouring garage and will be designed so that the design and character of the garage align with the listed property.

A condition of approval is recommended that a scoped Heritage Impact Assessment shall be submitted within 60 days of the decision of the approval or as extended at the discretion of the Director of Integrated City Planning. The Funeral, Burial and Cremation Services Act requires any persons discovering human remains to notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services. In no way will the City of Brampton be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this clearance. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit a reduced driveway width as a result of the bay window that encroaches within the driveway and does not provide sufficient space for standard vehicles to maneuver through the driveway. A smaller compact vehicle would be able to go around this point without encroaching on the neighbouring property. The applicant has indicated that the garage will be used for storage purposes, staff are therefore satisfied that the proposed reduced driveway width will

not result in vehicles encroaching on the neighbouring driveway to access the garage. Variance 2 is considered desirable for the appropriate development of the land.

4. Minor in Nature

A variance to the building setback is requested to facilitate a new garage addition which replaces a previously existing garage. The proposed garage is keeping with the building footprint and configuration of the previous garage and is not considered to cause any adverse massing impacts on the neighbouring property. An additional variance is requested to facilitate a reduced driveway width which does not meet the minimum driveway width requirements to facilitate the maneuvering of a vehicle on the driveway to access the garage. As indicated by the applicant, the garage will be used for storage use and is not intended to park vehicles thus reducing the possibility of encroachment. Traffic staff are satisfied that the proposed driveway width will not result in vehicles encroaching on the neighbouring garage to access the driveway. Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

