



Report Committee of Adjustment

Filing Date: January 31st, 2023

Hearing Date: March 7th, 2023

File: A-2023-0035

**Owner/
Applicant:** ZAK GHANIM

Address: 35 CUMBERLAND DRIVE

Ward: WARD 1

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0035 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That Variance 2 to permit 0.0m of permeable landscaping abutting the side lot line be refused; Staff recommend that approval be based on the revised Site Plan provided by the applicant (Appendix A) showcasing a 0.3m (1.0 ft) permeable landscaping strip along the property line be approved;
 3. That the owner shall obtain a building permit within 60 days of the decision of approval; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit a detached garage with a separation distance of 0.54m (1.77 ft) to a main building, whereas the by-law requires a minimum separation distance of 1.0m (3.28 ft) between a detached garage and a main building; and
2. To permit 0.0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and further designated '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 a detached garage with a separation distance of 0.54m (1.77 ft) to a main building, whereas the by-law requires a minimum separation distance of 1.0m (3.28 ft) between a detached garage and a main building. The intent of the by-law in regulating the required interior side yard setback to a detached garage is to ensure that sufficient distance is maintained for access to the rear yard and drainage purposes.

As per site visit conducted by Staff (see Appendix B), Staff are of the opinion that access to the rear yard for the property is maintained through the walkway provided on the western side of the dwelling abutting the existing driveway. Moreover, despite the reduced separation distance requirements from the detached garage, City of Brampton engineering staff have confirmed that adequate drainage is provided on the subject property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning by-law.

Variance 2 is requested to permit 0.0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side lot line. The intent of the by-law in requiring minimum permeable landscaping is to ensure that sufficient space is provided to allow for drainage and access to the rear yard. A 0.6m (2.0 ft) reduction of permeable landscaping will not provide sufficient space for drainage and access to the rear yard, thus undermining the overall intent of the by-law. Staff recommend that Variance 2 be refused and that the applicant provide a drainage design that ensures the drainage from the applicant's side and rear yard follows the approved drainage design for the property. A 0.3m (1.0 ft) permeable landscaping strip along the property line is recommended to be approved in order to provide sufficient space for drainage and access to the rear yard, subject to the satisfaction of the director of Environmental and Development Engineering (see Appendix A).

3. Desirable for the Appropriate Development of the Land

Variance 1 is seeking to permit existing site conditions for reduced minimum separation distance between a detached garage and a main building. It is noted that the proposed detached garage is an existing shed that will be converted, as shown in Appendix B. While full separation distance requirements of the Zoning By-law are not maintained, Staff are satisfied that sufficient area is provided for drainage purposes. Moreover, unobstructed path of travel to the rear yard is maintained through the provided walkway located along the western property line abutting the existing driveway. Subject to the recommended conditions of approval, the requested variance is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit 0.0m (0.0 ft) of permeable landscaping between the driveway and side lot line. Staff finds this variance undesirable for the appropriate development of the land due to lack of sufficient space for drainage and access to the rear yard. Staff recommend that Variance 2 be refused and that a 0.3m (1.0 ft) permeable landscaping strip along the property line be approved in order to provide sufficient space for drainage and access purposes between the driveway and side lot line that is desirable for the appropriate development of the land, as shown in Appendix A.

4. Minor in Nature

Variance 1 to permit existing site conditions for reduced separation distance between a detached garage and main building is considered by staff to maintain a sufficient area for both drainage purposes and access to the rear yard. Furthermore, it is noted that the proposed detached garage is an existing shed that will be converted, as shown in Appendix B. As such, Variance 1 is deemed minor in nature. Subject to the recommended conditions of approval, the variance requested is considered minor in nature.

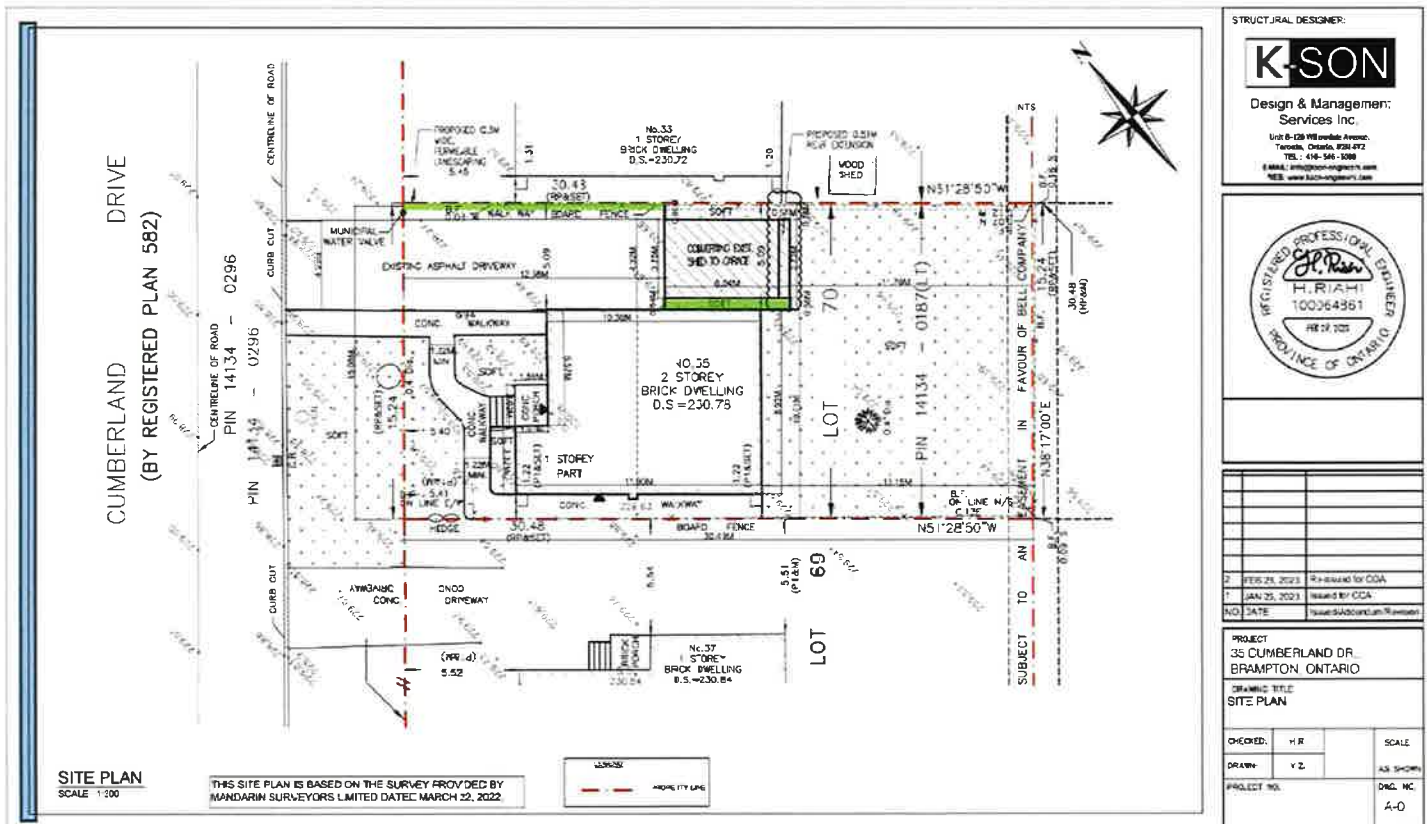
Variance 2 is requested to permit 0.0m of permeable landscaping between the driveway and the side lot line, whereas the by-law requires a minimum 0.6m (2.0 ft.) of permeable landscaping between the driveway and the side lot line. The requested variance is not minor in nature as it does not provide sufficient space for drainage. Therefore, staff recommends that Variance 2 be refused, and that the applicant provide a minimum of 0.3m (1.0 ft) of permeable landscaping along the property line in order to ensure proper drainage and access, as shown in Appendix A.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Revised Site Plan:



Appendix B – Site Visit Photos:

