



Report Committee of Adjustment

Filing Date: January 27th, 2023

Hearing Date: March 7th, 2023

File: A-2023-0028

**Owner/
Applicant:** DAVID SMITH, DEIDRE CHONG, & STAN CHONG

Address: 17 MELVILLE CRES

Ward: WARD 3

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0028 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The following minor variance application is seeking to permit reduced front yard setback requirements in order to facilitate a 1.96m (6.43ft) addition to the front main wall of the dwelling and existing site conditions to permit reduced setbacks from an existing addition (shed).

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 front yard setback 5.28m (17.35ft), whereas the by-law requires a minimum front yard setback of 6.0m (19.68ft); and
2. To permit a side yard setback of 0.12m (0.40 ft.) to an existing addition whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

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 'Mixed Use Two' 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 seeking to permit a front yard setback 5.28m (17.35ft), whereas the by-law requires a minimum front yard setback of 6.0m (19.68ft). The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area. As per a site visit conducted by Staff, it was determined that despite the 0.72m (2.36ft) reduction in front yard setback, a sufficient setback of 3.3m (10.83ft) is maintained in the front yard for both parking and landscaping (see Appendix A).

Variance 2 is seeking to permit a side yard setback of 0.12m (0.40 ft.) to an existing addition whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.). The intent of the by-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained for drainage and landscaping. Through review of the requested variance, City engineering staff are of the opinion that the reduced setback from the existing addition (shed) provides sufficient space for drainage. City staff conducted a site visit and are satisfied that sufficient landscaping is maintained on the subject property.

Subject to the recommended conditions of approval, the variances maintain the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit proposed site conditions for reduced front yard setbacks in order to facilitate a 1.96m (6.43ft) addition to the front main wall of the dwelling. While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied that sufficient front yard area for both landscaping and parking on the property are maintained. As per review of the site plan drawing provided by the applicant, the proposed addition does not appear to reduce any portions of the driveway. Therefore, staff are satisfied with the proposed driveway length and parking area for the property. Furthermore, the proposed addition maintains sufficient front yard landscaping and does not negatively impact the visual appearance of both the property and/or the streetscape.

Variance 2 is requested to permit existing site conditions for reduced side yard setbacks to an accessory structure (shed). While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied that sufficient rear yard area for both landscaping and outdoor amenity space on the property are maintained. Moreover, both the rear yard landscaping and existing fencing located along the property lines properly buffers the accessory structure (shed) from adjacent neighbours.

Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested Variance 1 to permit proposed site conditions for a reduced front yard setback is considered by Staff to maintain sufficient front yard area for parking and landscaping. Furthermore, as the addition is proposed to meet the edge of the existing garage, Staff are of the opinion that the proposed addition will have no negative impact on neighboring properties or the streetscape.

The requested Variance 2 to permit existing site conditions for a reduced setback to an accessory structure (shed) is considered by Staff to maintain sufficient rear yard area for landscaping and drainage. Furthermore, as fencing is located along the property lines, the existing accessory structure (shed) is screened in a manner that does not negatively impact adjacent properties.

As such, the variances requested are deemed minor in nature. Subject to the recommended conditions of approval, the variance requested is considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Site Visit Photos:

