



## Report Committee of Adjustment

**Filing Date:** September 5, 2023  
**Hearing Date:** October 3, 2023  
**File:** A-2023-0267  
**Owner/  
Applicant:** DHANSUKHBHAI AHIR & LAXMIBAHEN AHIR  
**Address:** 140 MOFFATT AVENUE  
**Ward:** WARD 4  
**Contact:** Satwant Hothi, Planner I, Development

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### **Recommendations:**

That application A-2023-0267 is supportable in part, 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 the owner obtain a building permit for the as-built open-roofed porch within sixty (60) days of the Committee's decision or extended at the discretion of the Chief Building Official;
  3. That drainage on adjacent properties shall not be adversely affected and that drainage from the proposed roof must flow onto the applicant's property;
  4. That variance 1 to permit a driveway width of 8.15m (26.74 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.) be refused; and
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

Planning staff were notified by by-law enforcement that owner has received enforcement notices regarding the existing driveway width. The original submitted application did not reflect the existing driveway width and on-site conditions as observed during site inspection. Staff notified applicant regarding required changes and an update sketch to reflect site conditions had been provided.

### Existing Zoning:

The property is zoned 'Residential Single Detached C (R1C) and further subject to provisions of the Mature Neighbourhood by-law (69-2023)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 8.15m (26.74 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit a lot coverage of 36% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit an unenclosed roof structure attached to the main wall of a dwelling to encroach 0.87m (2.85 ft.) into a required interior side yard, resulting in a reduced side yard setback of 0.28m (0.92 ft.) whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.);
4. To permit a 0.86m (2.82 ft.) wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2m (3.94 ft.) leading to a principal entrance of an additional residential unit;
  1. Staff note that the circulated Public Notice speaks to a path of travel measuring 0.79m however upon further review, it was determined that a variance to allow for a reduced path of travel measuring 0.86m is considered the more appropriate variance.

### **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and '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

Variances 1 is requested to permit a driveway width of 8.15m (26.74 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 ensures sufficient permeable landscaped is provided to mitigate stormwater runoff and drainage. In regulating the overall driveway width, this in turn also limits the excessive number of vehicles to be parked in front of the dwelling.

In the case of the subject property, the existing driveway is approximately 1.44m (4.72 ft.) wider than the permitted maximum as per the Zoning By-law 270-2004, as amended. The additional width is attributable to the abutting 'decorative' concrete along the length of the driveway extending to the rear yard. The applicant stipulates that the concrete is not intended for parking but rather serve as path of travel for an additional residential unit with principal entrance located in the rear of property. However the concrete pathway along the east side of the property is deemed as the required path of travel meeting minimum requirement as outlined in Zoning by-law. Furthermore, aerial pictures of the site show vehicles parking on the concrete pad (Appendix B). The extended driveway width, supportable of vehicular parking creates an abundance of hard surfacing along the front of the property and thus does not maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a lot coverage of 36% whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of dwelling is appropriate relative size of the property and does not detract from the provision of outdoor amenity area on the property. The indicated lot coverage is a result of an unenclosed open-roof porch attached to the main wall of a dwelling used as a means of providing shade and shelter for the below grade entrance for an additional residential unit. The roof structure is considered to provide shelter from changing weather conditions and extends the recreational use of the rear yard for year round purposes. A conditional approval is recommended that the open-roof porch should not adversely affect drainage on adjacent properties and that a building permit be obtained to ensure construction meets minimum Ontario Building Code requirements. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law

Variance 3 is requested to permit an unenclosed roof structure attached to the main wall of a dwelling to encroach 0.87m (2.85 ft.) into a required interior side yard, resulting in a reduced side yard setback of 0.28m (0.92 ft.) 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 interior side yard setback is to ensure sufficient space is provided for access to the rear of the property, the maintenance of said property without infringing upon adjacent properties and sufficient space is provided for drainage. A conditional approval is recommended that the open-roof porch remains unenclosed, as indicated on revised site plan and as-observed during site inspection (Appendix B). Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

Variance 4 is requested to permit a path of travel of 0.86m (2.82 ft.) to the primary entrance of a proposed additional residential unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel leading to a principal entrance of an additional residential unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient space to act as a primary access to an additional residential unit. The requested variance represents a 0.34m (1.12 ft.) reduction from the required minimum interior side yard setback serving as a path of travel for an additional residential unit. The remaining 0.86m (2.82 ft.) proposed path of travel and setback is considered to be sufficient area to act as a primary access to an additional residential unit for both everyday and emergency purposes as the reduction occurs only at the below grade entrance, as constructed. The requested variance maintains the general intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Requested variances 2, 3, and 4 are intended to facilitate the ongoing change of use of the dwelling to a two-unit dwelling. The applicant is advised that drainage on adjacent properties shall not be adversely affected from the proposed development.

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

### 4. Minor in Nature

The requested variances are intended to facilitate the change of use from single family to two-unit dwelling. The reduced path of travel and increased lot coverage are not considered to significantly impact everyday use. Subject to recommended conditions of approval, the variances are not anticipated to generate adverse impacts for subject and adjacent properties and are therefore considered minor in nature.

Variance 1 to permit a driveway width of 8.15m (26.74 ft.) which is 1.44m (4.72 ft.) greater than the maximum as permitted by Zoning By-law results in an abundance of hardscaping in the front of the dwelling and supportable of excessive vehicular parking. According to aerial photographs of the property, the widened portion of the driveway is used as vehicle parking. The requested variance is therefore considered not minor in nature.

Respectfully Submitted,

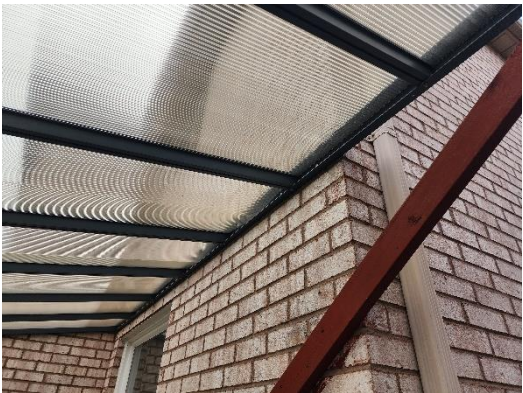
*S. Hothi*

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Satwant Hothi  
Planner I, Development

APPENDIX A – SITE CONDITIONS

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APPENDIX B – AERIAL PHOTOGRAPH

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