



## Report Committee of Adjustment

**Filing Date:** March 14, 2024

**Hearing Date:** April 23, 2024

**File:** A-2024-0085

**Owner/  
Applicant:** GURWINDER SINGH GILL

**Address:** 59 Avalanche Crescent

**Ward:** WARD 8

**Contact:** Ellis Lewis, Assistant Development Planner

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### Recommendations:

That application A-2024-0085 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 drainage on adjacent properties shall not be adversely affected;
  3. That the above grade entrance shall not be used to access an unregistered second unit;
  4. That the 0.6m permeable landscaping between the side lot line be reinstated in accordance with the sketch attached to the notice of decision.
  5. That the 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 ;and
  6. 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 C- Special Section 1680 (R1C-1680)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 0.89 m. (2.62 ft.) extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 m. (3.94 ft.) extending from the front wall of the dwelling up to and including the door ; and
2. To permit a driveway width of 7.47 m. (24.50 ft.), whereas the by-law permits a maximum driveway width of 7 m. (22.97 ft.).

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Bram East Secondary Plan (Area 41). As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements.

The Official Plan also establishes policies that facilitate the growth and maintenance of complete residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. As per Section 4.2.1.14 of the City of Brampton Official Plan, driveways are listed as key design areas. The layout of the driveway should be in such a manner that it complements and is consistent with the overall streetscape aesthetic. The requested variance is not considered to have significant impacts within the context of the Official 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

Variance 1 is requested to permit a proposed above grade entrance in a side yard having a minimum width of 0.89 m. (2.62 ft.) extending from the side wall of dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is minimum width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum amount of interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still providing access to the rear yard. An above grade side door is being proposed on the western side wall of the dwelling. The applicant is seeking a relief that will be 0.31 m. (1.02 ft.) from what is permitted, as per the Zoning By-law. The requested variance

is not anticipated to pose significant concern for the subject property nor adjacent properties and it is not unordinary regarding current neighbourhood developments. Subject to the conditions of approval, 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 7.47 m. (24.50 ft.), whereas the by-law permits a maximum driveway width of 7 m. (22.97 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 to prevent the parking of an excessive amount of vehicles in front of the dwelling. With an addition of 0.47 m. (1.54 ft.), Staff are of the opinion that the driveway width is not considered to facilitate an excessive number of vehicles being parked in front of the dwelling or significantly impact drainage on the site. Subject to the conditions of approval, 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 permit a proposed above grade entrance in a side yard with a reduced setback. Despite the proposed above grade door resulting in a decreased interior side yard setback, Staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and rear yard is provided. The proposed pedestrian path of travel of 0.89 m. (2.62 ft.) is considered to be sufficient for everyday and emergency purposes. Conditions of approval have also been included noting that the above grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Subject to the recommended conditions, Variance 1 is desirable for the appropriate development of the land.

Variance 2 is requested is to permit an existing driveway width which exceeds the requirement that is set out in the Zoning By-law. While the total width of the driveway does not maintain the maximum requirements of the Zoning By-Law, the materials and design maintain a certain aesthetic quality which does not detract from the streetscape and limits the number of vehicles to be parked on the driveway. The property continues to maintain a substantial amount of landscaped area at the front of the property. The expanded driveway will not have a negative impact on the streetscape as permeable landscaping features will remain. According to the Site Plan that was submitted by the applicant, 0.6 m (1.96 ft.) of landscaping will be reinstated along the western portion of the drive, further alleviating drainage concerns. Subject to the recommended conditions of approval, Variance 2 is appropriate for the development of the land.

### 4. Minor in Nature

The location of the proposed above grade entrance is not considered to impact access to the rear yard. The proposed location of the entrance is appropriate given the site context. Staff have determined that sufficient space is provided to allow for drainage and therefore, should not negatively impact abutting properties. Furthermore, there are no concerns regarding access as a sufficient path of travel is maintained on the property. Subject to the recommended conditions of approval, Variance 1 is considered minor in nature.

Variance 2 is being requested is to permit an increased driveway width in the front yard of the dwelling. It is not considered to be one that will significantly impact the amount of available outdoor amenity space, permeable landscaping or significantly affect drainage on the subject property or adjacent properties. Due to the size of the addition (0.47 metres), Variance 2 is considered to be minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Assistant Development Planner

**Appendix A:**

