



Report Committee of Adjustment

Filing Date: February 16th, 2024

Hearing Date: May 21st, 2024

File: A-2024-0041

**Owner/
Applicant:** Kevin Michael and Christine Michael

Address: 4 Alderway Ave

Ward: WARD 3

Contact: Aferdita Dzaferovska, Assistant Development Planner

Recommendations:

That application A-2024-0041 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 below grade entrance shall not be used to access an unregistered second unit;
 3. That the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
 4. That drainage on adjacent properties should not be adversely affected;
 5. That the owner obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section construction of works within the City's road allowance; 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:

The Committee of Adjustment deferred the Minor Variance application at the March 19th hearing. The original version of the application requested a variance to permit a total of 2 parking spaces, whereas the by-law requires a minimum 3 parking spaces for a three-unit dwelling. Staff recommended the deferral of the application due to identifying Ontario Building Code (OBC) compliance issues with the proposed entrance to the second Additional Residential Unit. Additionally, staff did not support the reduction of required parking spaces and use of the portion of the driveway located outside of the property boundaries.

The revised application requests three (3) variances to facilitate the creation of a second Additional Residential Unit. The applicant is now seeking to construct an exterior stairway leading to a below grade entrance in a required front yard and associated setback reduction and an increased driveway width to facilitate the creation of a third vehicular parking space.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended and is subject to the Mature Neighbourhood Area policies which has additional standards to ensure that proposed residential additions and replacement dwellings within older mature neighbourhoods are compatible with the existing character of the surrounding area.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 4.47m to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum front side yard setback of 6.0m.
2. To permit a proposed exterior stairway leading to a below grade entrance in a required front yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required front yard.
3. To permit a driveway width of 8.1 metres, Whereas the by-law permits a maximum driveway width of 6.71m

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 application seeks to facilitate the creation of a second Additional Residential Unit (ARU) in the single detached dwelling. An exterior stairway leading to a below grade

entrance with a reduced front yard setback is proposed as well as an increased driveway width to accommodate a third vehicular parking space.

The More Homes, More Choice Act, 2019, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019. The proclaimed portions of Bill 108 amended the Planning Act, R.S.O. 1990, c. P.13, as amended, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and townhouse dwellings. Under this legislation, they are referred to as “additional residential units”. To ensure conformity with provincial plans, the City of Brampton is mandated to implement additional residential unit provisions and provide appropriate regulations through the Zoning By-law.

The Official Plan sets out policies to build and maintain attractive residential neighbourhoods while balancing the impact of accommodating vehicular parking as it relates to attractive streetscapes and communities. Section 4.2.7 provides that one of the key areas of design include driveways. The intent of this policy is to ensure that the design of a residential driveway is complementary to the dwelling and lot size. The Official Plan and Secondary Plan both permit residential uses on the property and the requested variances are considered to be aligned with their policies.

Furthermore, and as stated in Section 3.2.8.2 (ii) of the City’s Official Plan, an additional residential 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 nature and extent of the proposed 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 front yard setback of 4.47m to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum front side yard setback of 6.0m. Variance 2 is requested to permit a proposed exterior stairway leading to a below grade entrance in a required front yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required front yard.

The intent of the by-law in prohibiting an exterior stairway leading to a below grade entrance in a required front yard and requiring minimum front yard setbacks is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape and that sufficient space is maintained for drainage and access to the rear yard is maintained.

The corner lot features two street frontages. The proposed exterior stairway leading to a below-grade entrance is planned for the front yard, adjacent to Greystone Crescent. Considering the property’s size, location, and orientation, this stairway is not expected to disrupt site circulation, drainage, streetscape aesthetics, or reduce landscaped areas unfavorably. A condition is recommended that the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the

streetscape in a manner satisfactory to the Director of Development Services. Subject to the conditions of approval, the variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a driveway width of 8.1 metres, whereas the by-law permits a maximum driveway width of 6.71m. The intent of the by-law in regulating the maximum permitted driveway width is to prevent drainage issues, maintain an adequate front yard landscaped area, and limit excessive vehicle parking on the property in a manner that is deemed undesirable.

The owner is requesting an increase of 1.39 metres to the width of the driveway beyond what the By-law permits. In the case of the subject property, the existing dwelling does not feature an attached or detached garage. The Zoning By-law also requires that a minimum of two parking spaces be provided for each dwelling unit within a single detached dwelling. The Zoning By-law also requires that an additional parking space be provided for lots that contain two ARUs. Given that the dwelling does not have a garage and that the existing driveway only permits the parking of two vehicles within the limits of the property, the owner is proposing to widen the driveway in a manner that will allow the parking of a third vehicle, thus meeting the requirements of the Zoning By-law and parking provisions outlined in the ARU policies.

As the property is a corner lot with frontages of 30.48 metres and 18.28 metres, Staff are of the opinion that the widened driveway will not significantly reduce the amount of open landscaped area in the front yard of the property or generate potential drainage issues. The proposed width of the driveway will only allow one additional vehicular parking space and is not considered to lead to an excessive number of vehicles parked in front of the dwelling. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the by-law.

3. Desirable for the Appropriate Development of the Land

The property is subject to the Mature Neighbourhood Area policies which has additional standards to ensure that proposed residential additions and replacement dwellings within older mature neighbourhoods are compatible with the existing character of the surrounding area. Although these policies don't address driveway width, they highlight that the property is in an area Council deems to have special characteristics warranting consideration. The intent of the policies is to maintain the aesthetic and character of mature neighbourhoods, even in areas where specific driveway regulations may not be outlined beyond the standard Zoning requirements.

Variances 1 and 2 are requested to facilitate the construction of a proposed separate entrance within the required front yard for the purpose of creating a second ARU. The variances to permit the location and resulting setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties.

Conditions of approval are included to require that the below grade entrance shall not be used to access an unregistered second unit, that drainage on the adjacent properties shall not be adversely affected, and that the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services.

Subject to the recommended conditions of approval, Variances 1 and 2 are desirable for appropriate development of the land.

Variance 3 is requested to permit a proposed driveway width which exceeds the requirement that is set out in the Zoning By-law. The applicant is seeking to increase their driveway width by 1.39 metres to accommodate the parking of one additional vehicle. The proposed driveway width is not anticipated to facilitate the parking of an excess number of vehicles. The widened driveway is not anticipated to detract from the streetscape visually as ample permeable features remain on the property.

A condition of approval is included to require that the owner obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section construction of works within the City's road allowance.

Subject to the recommended conditions of approval, Variance 3 is desirable for appropriate development of the land.

4. Minor in Nature

Variance 1 and 2 seek permission for an exterior stairway to a below-grade entrance in the front yard and relief from setback requirements. This is not expected to notably affect site circulation, drainage, streetscape aesthetics, or landscaping. It's also not anticipated to have a significant impact on the subject property, adjacent properties, or the neighborhood. The variances will ensure that a future ARU is compliant with OBC requirements. Variances 1 and 2 are considered to be minor in nature.

Variance 3 is requested to permit an increased driveway width in the front yard of the dwelling. The additional width is not anticipated to 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 increase being 1.39 metres. Subject to the recommended conditions of approval, variances 3 is considered to be minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

APPENDIX A – Site Visit Photos



APPENDIX B – Aerial Image (Property Boundary)

