



## Report Committee of Adjustment

**Filing Date:** May 17, 2024  
**Hearing Date:** June 18, 2024

**File:** A-2024-0179

**Owner/  
Applicant:** **KYLE PULIS & EMILY MILES**

**Address:** **76 Main Street South**

**Ward:** WARD 3

**Contact:** Ellis Lewis, Planner I

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### **Recommendations:**

That application A-2024-0179 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 the owner implement planting in accordance to an approved Landscape Plan within 12 months of the construction of the home located at 76A Main Street South, or within an extended period of time at the discretion of the Director of Development Services;
  3. That the owner identify tree(s) on the Site Plan and protected with hoarding at the dripline;
  4. That the owner contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of Minor Variance/ CofA approval;
  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:**

The Committee of Adjustment Minor Variance application was submitted by Gagnon Walker Domes Ltd. (GWD) who is acting as the Planning Consultant to the Registered Owners of 76 and 76A Main Street South, in the City of Brampton.

A Consent and two Minor Variance applications (A17-45, A17-46, and B17- 004) were approved by the Local Planning Appeal Tribunal (LPAT) in a decision dated January 18, 2020 (Case No. PL171375). The approval included a number of conditions, one of which required a comprehensive planning process to secure Site Plan Approval prior to any development of the severed and retained lands. Working closely City and Regional Staff all conditions were fulfilled in the fall of 2019 and on January 17, 2020 the Consent Certificate was issued.

The existing 2-storey residence on the retained lands (76 Main Street south) is to be preserved and will remain as is and a new driveway will be implemented as part of the construction of the dwelling on 76A Main Street South.

As a result of *Bill 23, More Homes Built Faster Act, 2022*, which received Royal Assent on November 28, 2022, the SPA Application transitioned to the Custom Home Architectural Control Review process. Custom Home application # CH-2023-0033 is currently under review.

#### Existing Zoning:

The property is zoned 'Residential Single Detached A- Special Section 3307 (R1A-3307)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 12.25 metres (40.19 feet), whereas the by-law permits a maximum driveway width of 9.14 metres (29.98 feet).

#### **Current Situation:**

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

The property is designated 'Central Areal' in the Official Plan and 'Low Density' in Downtown Brampton Secondary Plan (Area 7) . The Official Plan 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 driveway width of 12.25 metres (40.19 feet), whereas the by-law permits a maximum driveway width of 9.14 metres (29.98 feet). 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 number of vehicles in front of the dwelling.

The submitted Site Plan depicts a proposed driveway that varies in width between the front property line and the dwelling. The driveway entrance measures approximately 2.83 metres (9.30 feet) in width and begins to expand to 5.0 metres (16.4 feet) as it approaches the home. The variance is sought to permit the portion of the driveway located directly in front of the dwelling to measure a maximum of 12.25 metres (40.19 feet) in width. The driveway area subject of the variance will accommodate the parking of approximately 3 vehicles and will be screened by existing and future vegetation. Although an increase to the width of the driveway is requested, it is not anticipated to negatively impact the visual character of the area or lead to the parking of vehicles in a manner that would be considered excessive. Given that new soft landscaping and vegetation will be planted, staff have no concerns with the proposed width of the driveway as an appropriate balance of landscaping will be maintained. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

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

The requested variance is to permit a driveway width which exceeds the requirement that is set out in the Zoning By-law. The driveway widening has been requested to allow vehicles to be parked in a manner that facilitates easier maneuvering, as reversing onto Main Street South can be challenging. The widened driveway near the house, set back from the property line, provides motorists with the necessary space to turn their vehicles on the property and safely drive forward to exit. Even with future land conveyance along Main Street South, the widened driveway will be 18.49 metres (60.65 feet) from the new property line, maintaining consistency with the neighborhood streetscape.

While the total width of the driveway exceeds the maximum requirement set by the Zoning By-law, its materials and design maintain an aesthetic quality that does not detract from the streetscape. Landscape Plans were also submitted for review through the Custom home application. A condition has been included in this report stating that all planting should be implemented within 12 months of the construction of the subject property, or within an extended period of time at the discretion of the Director of Development Services, to ensure that the extended driveway width is shielded. The number of cars that can be parked adjacent to the property line is limited, and the property continues to maintain a substantial amount of landscaped area in the front. The expanded driveway will not negatively impact the streetscape, as permeable landscaping features will remain. Conditions included in the report ensure that any work around the trees on the property will be reviewed by Internal Divisions to prioritize tree protection.

4. Minor in Nature

The variance is requested to permit an increased driveway width in the front yard of the dwelling, distanced away from Main Street South. This variance 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. Given that the requested increased width will be limited to a portion of the driveway, no negative visual or functional impacts are anticipated. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planner I

**Appendix A:**

