



Report Committee of Adjustment

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

File: A-2024-0180

**Owner/
Applicant:** 2511215 ONTARIO INC.

Address: 76A Main Street South

Ward: WARD 3

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0180 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 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 no commercial or industrial uses shall operate from the detached garage;
 5. 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. A tree removal permit will be required; and
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

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.

On October 7, 2019 a formal Site Plan Approval Application was filed proposing a new 2-storey residential dwelling and detached garage on the severed lands (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 Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 2.40 metres (7.87 feet), whereas the by-law requires a minimum driveway width of 3 metres (9.84 feet);
2. To permit a driveway width of 15.25 metres (50.03 feet), whereas the by-law permits a maximum driveway width of 7.32 metres (24.02 feet);
3. To permit 0.30 metres (0.98 feet) of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.96 feet) of permeable landscaping abutting the side lot line;
4. To permit a detached garage with a gross floor area of 86 square metres (925.69 square feet), whereas the by-law permits a maximum gross floor area of 48 square metres (516.67 square feet); and
5. To permit a detached garage height of 4.5 metres (14.76 feet), whereas the by-law permits a maximum detached garage height of 3.5 metres (11.48 feet).

Current Situation:

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

The property is designated 'Central Area' 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. In addition, Section 4.2.1.14 of the City of Brampton Official Plan recognizes that garage placement is also a key element of residential area aesthetic. Guidelines look to ensure that garages are built in proportion to the dwellings and look to maintain high quality streetscape and habitable room widths.

The requested variances are 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 2.40 metres (7.87 feet), whereas the by-law requires a minimum driveway width of 3 metres (9.84 feet). Variance 2 is requested to permit a driveway width of 15.25 metres (50.03 feet), whereas the by-law permits a maximum driveway width of 7.32 metres (24.02 feet). Variance 3 is requested to permit 0.30 metres (0.98 feet) of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.96 feet) of permeable landscaping abutting the side lot line.

The intent of the by-law in regulating the minimum driveway width is to ensure that enough space is provided for vehicles to maneuver safely, reducing the likelihood of accidents or damage to property. 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 intent of the by-law in requiring a minimum permeable landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties.

The proposed driveway layout and design features a straight portion along the southern property line leading to the front of the dwelling with an area for approximately two to three vehicular parking spaces. The layout of the driveway is proposed to continue between the northern property line and dwelling leading to the proposed detached garage in the rear yard. Variance 1 and 3 relate to a limited section of the driveway located between the dwelling and property line which will be narrower than the minimum required width and feature a reduced permeable landscaping between the driveway and property line. Despite the reduction, there are no functional impacts anticipated relating to vehicular movement or drainage. City Engineering Staff have not raised concerns regarding the reduced permeable landscaping and as the reduction to the drive aisle is set further back from Main Street South, concerns regarding the reduction in width are mitigated. The driveway width of 4.0 metres (13.12 feet) near the

property line that is adjacent to Main Street South is wide enough for vehicles to enter and exit the property safely.

Variance 2 is sought to allow the portion of the driveway located directly in front of the dwelling to measure a maximum of 15.25 metres (50.03 feet) in width. The driveway area subject of the variance will accommodate the parking of approximately 2 to 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. Staff have included conditions in the report that speak to the importance of tree preservation on the site, as all tree should be identified on Site Plans moving forward. Subject to the recommended conditions of approval, Variances 1, 2 and 3 maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a detached garage with a gross floor area of 86 square metres (925.69 square feet), whereas the by-law permits a maximum gross floor area of 48 square metres (516.67 square feet). Variance 5 is requested to permit a detached garage height of 4.5 metres (14.76 feet), whereas the by-law permits a maximum detached garage height of 3.5 metres (11.48 feet).

The intent of the by-law in regulating the maximum permitted gross floor area of garages is to ensure that the property is not dominated by additional structures or limit the provision of outdoor recreational space. The intent of the by-law in regulating the maximum permitted building height for a garage is to ensure that there are no negative massing, shadowing, and privacy impacts on adjacent properties within residential zones. As the proposed garage door height will be increased by 1 metre (3.28 feet) and have an overall height of 4.5 metres (11.48 feet), Staff do not anticipate that the door will become the focal point of the structure given that it will be oriented towards the inside of the lot and not visible from the street. Given the large size of the lot, the proposed garage is not anticipated to negatively impact the subject property or contribute to its overdevelopment. City Engineering Staff have reviewed the proposal and have not identified concerns in regard to drainage. A condition has also been included which speak to not permitting the garage extension to park commercial vehicles. Subject to the conditions of approval, Variances 4 and 5 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1, 2 and 3 seek to increase and decrease certain parts of the driveway and reduce the permeable landscaping towards the eastern portion of the subject land. 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. While the drive aisle decreases in the portion of the driveway located between the dwelling and property line, there is ample space in front of the house to park vehicles if larger cars are unable to access the proposed garage. The narrower driveway located on the north side of the new dwelling is restricted to a small portion of the property. The drive aisle gradually increases

in width when approaching the detached garage in the rear, ensuring safer travel throughout the lot. Subject to the recommended conditions of approval, Variances 1,2 and 3 are appropriate for the development of the land.

Variance 4 is requested to permit a detached garage with a gross floor area of 86 square metres (925.69 square feet), whereas the by-law permits a maximum gross floor area of 48 square metres (516.67 square feet). Variance 5 is requested to permit a detached garage height of 4.5 metres (14.76 feet), whereas the by-law permits a maximum detached garage height of 3.5 metres (11.48 feet). The garage will be utilized for the storage of vehicles and personal items. The location of the structure is set back from Main Street South and will be moderately shielded by the new dwelling and significant amount of vegetation that is already in existence and additional planters will be added. The detached garage is not anticipated to create any adverse impacts related to shadowing, privacy, or massing.

A Custom Home application (File # CH-2023-0033) has been submitted for the newly proposed residential development on the subject parcel. City Staff will have the opportunity to review the proposed development to ensure the proposed development is appropriate within the neighbourhood context. Urban Design Staff will review the proposed development to ensure that the development does not negatively impact abutting properties with respect to massing or shadowing. City Engineering Staff will also review grading and servicing plans for the proposed development to ensure the site is serviced with municipal services and graded to not adversely impact abutting properties with respect to drainage. Landscape Plans were also submitted for review and condition in the report states 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. The requested variances do not change any content or recommendations that were included in the report. Subject to the recommended conditions of approval, Variances 4 and 5 are appropriate for the development of the land.

4. Minor in Nature

Variances 1, 2 and 3 seek to facilitate alterations to the driveway width and reduce permeable landscaping that abuts the side lot line near a small portion of the house. While the total width of the driveway adjusts throughout the property, the materials and design maintain a particular aesthetic quality which does not detract from the streetscape. The property continues to maintain a substantial amount of landscaped area at the front of the house. The variance for the expanded driveway 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 shape of the lot, the proposed garage will be located towards the rear of the subject land, 8.42 metres (27.65 feet) away from the rear property line. The requested variances to permit wider driveway widths in select locations aims to balance the need to provide functional parking spaces and landscaped area in the front yard. Staff are of the opinion that the reduction and increase along the drive aisles would not be noticeable from community members travelling along Main Street South and therefore, the requested variances will not have an impact on neighbourhood character. Properties along Main Street South and that are within close proximity to the subject land also have longer driveways as the homes are set further back from the front yard property line.

Due to the large size of the property, the garage is not anticipated to be obtrusive or generate a sense of overdevelopment. The size and location of the proposed garage is in relation to the principal residence that will be constructed. The neighbourhood has been undergoing reinvestment and revitalization in the form of both renovation and new development. The submitted variances assist in guaranteeing the neighbourhood's future stability and reinforces its existing character.

Subject to the recommended conditions of approval, Variances 1, 2, 3, 4 and 5 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

