



Report Committee of Adjustment

Filing Date: June 6, 2024
Hearing Date: July 16, 2024

File: A-2024-0208

**Owner/
Applicant:** **PAGAT SINGH NAHAL & SANDEEP NAHAL**

Address: **16 Lauraglen Crescent**

Ward: WARD 4

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0208 is supportable in part, 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 and in accordance with conditions 5 and 6;
2. That the above grade entrance shall not be used to access an unregistered second unit;
3. That the applicant obtain a building permit for the above grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
4. That drainage on adjacent properties shall not be adversely affected;
5. That Variance 3 request to permit a driveway width of 7.32 metres (24.01 feet), whereas the by-law permits a maximum driveway width of 5.5 metres (18.04 feet) be refused;
6. That Variance 4 request to permit 0.3 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 be refused; and
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:**Existing Zoning:**

The property is zoned 'Residential Single Detached D- Special Section 2780 (R1D-2780)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing above grade entrance in a side yard having a minimum width of 0.90 metres (2.95 feet) 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 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door;
2. To permit a 0.90 metres (2.95 feet) 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 1.2 metres (3.94 feet) leading to the principal entrance of an additional residential unit;
3. To permit a driveway with of 7.32 metres (24.01 feet), whereas the by-law permit a maximum driveway width of 5.5 metres (18.04 feet);
4. To permit 0.3 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.

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The property is designated 'Residential' in the Official Plan and 'Low and Medium Density' in the Fletcher's Creek South Secondary Plan (Area 24).

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. Variances 1 and 2 are considered to maintain the general intent and purpose of the Official Plan.

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. This is related to the design objectives outlined within Section 4.2.7 of the City of Brampton's Official Plan which aims to avoid the excessive parking of vehicles in the front yard and on driveways, and to promote a driveway design that is complementary to the house and lot size. The driveway design for this property is capable of allowing excessive parking on the driveway. Variances 3 and 4 do not 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 an existing above grade entrance in a side yard having a minimum width of 0.90 metres (2.95 feet) 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 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained. The proposed exterior stairway leading to an above grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of space for access is maintained on the opposite side of the property. Subject to the recommended 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 0.90 metres (2.95 feet) 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 1.2 metres (3.94 feet) leading to the 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 area to act as the primary path of access to a second unit for both everyday and emergency objectives. The proposed path of travel will maintain the minimum 0.86 metres (2.82 feet) Ontario Building Code requirement and sufficient space is also provided on the western side of the dwelling. The 1.22 metres (4.0 feet) path of travel that abuts this wall allows for access to the rear yard without concern surrounding the trespassing on neighbouring properties. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a driveway width of 7.32 metres (24.01 feet), whereas the by-law permits a maximum driveway width of 5.5 metres (18.04 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. Variance 4 seeks 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 requiring a minimum permeable landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties. These variances would permit a driveway width that is considered too large relative to the lot width and goes beyond the primary function of the driveway, which is to provide a surface leading to a

garage, and permit the parking of additional vehicles in the front yard. Staff are of the opinion that the driveway contributes to a significant reduction in permeable surfaces in the front yard which visually impacts the streetscape. Variances 3 and 4 do not 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 an existing above grade entrance within side yard having a minimum width of 0.90 metres (2.95 feet) 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 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door. Variance 2 is being sought to permit a path of travel that is less than the 1.2 metres (3.94 feet) requirement set out in the Zoning By-law. The additional residential use will work towards the development of various housing types that can accommodate a broader range of living situations. Conditions of approval 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 have been included. Subject to the recommended conditions of approval, Variances 1 and 2 are deemed appropriate for the development of the land.

Variances 3 and 4 seek to permit an existing driveway width which exceeds the requirement that is set out in the Zoning By-law. The driveway extension functions in contravention of the City's Development Design Guidelines for residential neighbourhoods, which provides guidelines for neighbourhoods character, design, and streetscapes among other elements. The requested variances result in a decrease of the landscaped area along the side lot line, which is intended to visually function as a break between hardscaped areas in order to frame the neighbourhood and reduce the impact of driveways on the streetscape. The loss of the landscaped area along the side lot line forms an uninterrupted pattern of hardscaping that interrupts and affects the character and design of the neighbourhood and streetscape. It is generally the desire of the City to balance driveways with landscaping to function as distinguished components of the streetscape, particularly with paired driveways. Furthermore, it is generally the desire of the City to avoid excessive parking of vehicles in the front yard on the driveways and promote a driveway design that is complementary to the house and lot size. Variances 3 and 4 are generally not considered to maintain the general intent and function of the subject property, adjacent properties, and the neighbourhood. These variances are not considered desirable and appropriate development of the land.

4. Minor in Nature

The location of the proposed above grade entrance for Variance 1 is not considered to impact access to the rear yard and is appropriate given the site context. Variance 2 will permit a reduced path of travel to a secondary unit. The existing door was constructed previously and the path of travel is 0.30 metres (0.98 feet) less than what is set out in the Zoning By-law but it meets the Ontario Building Code requirements. These variances are not anticipated to have significant impact on drainage or limiting access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, Variances 1 and 2 are deemed minor in nature.

Variations 3 and 4 are seeking relief from driveway width requirements and permeable landscaping requirements. The requested variations seek to increase the width of the driveway by 1.82 metres (5.97 feet) and reduce permeable landscaping along the side lot line by 0.3 metres (0.98 feet). The requested variations reduce the amount of available landscaped area in a manner that is considered undesirable for the subject property and facilitate additional vehicular parking. Variations 3 and 4 are not considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

