



Report Committee of Adjustment

Filing Date: June 20, 2024
Hearing Date: August 20, 2024

File: A-2024-0241

**Owner/
Applicant:** Rovin Lemuel Esteban Suchite

Address: 11 Gatewood Drive

Ward: Ward 8

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0241 be refused.

Background:

Correspondence was sent to the applicant regarding the need for a revised site plan. However, despite efforts by City staff to obtain the revised plan, no additional correspondence has been received from the applicant at the time of this report's submission.

Existing Zoning:

The property is zoned 'Residential Single Detached (R1B(1))', according to By-law 270-2004, as amended. Staff also note this property is located within a mature neighbourhood.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 15.6m, whereas the by-law permits a maximum driveway width of 9.14m.

Current Situation:

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

Section 4.2 of the Official Plan provides policies on Residential development. In particular, section 4.2.1.14 (iii) requires driveway design to relate to lot width and be sized accordingly to function as a driveway surface leading to a garage. When a garage is provided, it is considered to assist in providing the required number of parking spaces for the property and the driveway is the logical means to get to the garage. The design of the driveway should be sized and configured accordingly and not in a manner so as to be the primary parking space(s). In addition, the objective of Residential Design Official Plan Policy 4.2.7 is to avoid excessive parking of vehicles in the front yard on driveways and to promote a realistic driveway design that is complementary to the house and lot size. The driveway design for this property is capable of allowing excessive parking in the front yard on the driveway and is not considered to be a realistic design relative to the house and lot size.

The requested variance is the current site conditions of the property and the application, as presented is intended to legalize the site conditions. The objective of the Residential Design Official Plan Policy 4.2.7 is to avoid excessive parking of vehicles in the front yard on the driveway and to promote a realistic driveway design that is complementary to the house and lot size. The existing driveway conditions are capable of allowing excessive parking in the front of the property. Therefore, the requested variance is considered not to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance seeks to permit an existing driveway width of 15.6 metres whereas a maximum driveway width of 9.14 metres is permitted. 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 limit an excessive amount of vehicles that can be parked in front of the dwelling. With the removal of the landscaping, staff noticed that

there is a substantial amount of hardscaping in the front yard that is considered to be excessive.

As per the staff site visit, Staff are of the opinion that the current layout of the lot does not allow an excessive number of cars to be parked in front of the dwelling. Staff do not support the Variance due to concerns relating to the ability to park excessive vehicles with the current conditions. Therefore, Staff recommend the refusal of the requested Variance as it is not considered to maintain the general purpose of the Zoning By-Law.

3. Desirable for the Appropriate Development of the Land

The Variance is requested to permit a driveway width of 15.6 metres whereas the by-law permits a maximum driveway width of 9.14 metres. The property is subject to the Mature Neighbourhood Area policies, which include additional standards to ensure that proposed residential additions and replacements in older mature neighbourhoods blend with the existing character. Although these policies don't specifically address driveway width, they highlight that the property is in an area Council deems to have special characteristics warranting consideration. This underscores the importance of maintaining the aesthetic and character of mature neighbourhoods, even in areas where specific driveway regulations may not be outlined. The existing site configuration is not supportable due to the expansive use of hardscaping on the front yard and lack of permeable materials which may impact adequate drainage on site. Therefore, Staff recommend the refusal of the variance as it is not desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is to facilitate the existing driveway width that is 6.46 metres wider than what the Zoning By-law permits. The increased driveway width facilitates the parking of additional vehicle in front of the main entrance of the dwelling and contributes to a sense that the property is dominated by hardscaping. Therefore Staff consider it not to be minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

