



Report Committee of Adjustment

Filing Date: July 19th, 2024
Hearing Date: August 20th, 2024

File: A-2024-0257

**Owner/
Applicant:** Patrick Kelly & Sharon Kelly

Address: 2 Menoke Court.

Ward: WARD 2

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0257 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Extended Zone (R2B)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit 0.0 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres 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 2006 Official Plan and 'Medium Density Residential' in the Snelgrove Heart Lake Secondary Plan (Area 1). 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.

The Official Plan sets out policies to build and maintain attractive residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. Specifically, Section 4.2.1.14 provides that one of the key areas of design include driveways and landscaping. The intent of this policy is to ensure that the design of a residential driveway does not accommodate the parking of an excessive number of vehicles and to ensure the driveways are designed in such a manner that they complement and are consistent with the overall streetscape aesthetic while maintaining appropriate amounts of landscaping. The existing driveway eliminates the required amount of permeable landscaping along the side property line and is in contravention to the City's Development Design Guidelines for residential lots in neighborhoods as there is no permeable landscaping between the driveway and the adjacent property's driveway. Therefore, the requested variance is not considered 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 requested to permit 0.0 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line. The intent of the by-law in requiring a minimum amount of permeable landscape strip along the side lot line is to ensure that sufficient space is provided for drainage and that the drainage on the adjacent properties are not impacted.

The reduction of the landscaped area on the site lot line is not considered desirable in accordance with the City's Development Design Guidelines for residential neighborhoods. Cumulatively, the hardscaping on the property creates an abundance of hard surfacing throughout the property which can potentially lead to drainage issues and contributes to a sense that the front of the property is dominated by hard surface. The existing site conditions also facilitate the parking of additional vehicles where permeable landscaping is required. The requested variance is not considered to maintain the general intent and purpose of the Zoning By-law

3. Desirable for the Appropriate Development of the Land

The requested variance results in the reduction 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 lots within a neighborhood 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 neighborhood 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 maintain a driveway width that is parallel to the width of the garage. The requested variances are generally not considered to maintain the general intent and function of the subject property, adjacent properties, and the neighborhood. The requested variance is not considered desirable and appropriate development of the land.

4. Minor in Nature

The requested variance is seeking relief from the permeable landscaping requirements. The variance is to reduce permeable landscaping along the side lot line to 0.0 metres. The requested variance reduce the amount of available landscaped area in a manner that is considered undesirable and not minor in nature for the subject property.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A:

