



Report Committee of Adjustment

Filing Date: July 16th, 2024
Hearing Date: August 20th, 2024

File: A-2024-0262
**Owner/
Applicant:** NICHOLAS, CHRISTIANA, JEFFREY, & IAN NUAMAH

Address: 15 OLDE TOWN ROAD

Ward: WARD 5

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0262 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Street Townhouse - Special Section 827 (R3B-827)' according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 7.5m whereas the by-law permits a maximum driveway width of 7.0m;

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Residential Medium Density' in the Fletchers Creek Village Secondary Plan (Area 43). The subject property is also designated as 'Community Areas' and 'Urban Centres' (Schedule 1A – City Structure) and 'Neighbourhoods' (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, which will be in addition to the parking available in the enclosed garage. 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 is requested to permit a driveway width of 7.5m whereas the by-law permits a maximum driveway width of 7.0m. 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 that the driveway does not allow for an excessive number of vehicles to be parked in the front of the dwelling.

The existing widened driveway leads directly to the main entrance of the dwelling and allows for several vehicles to be parked across the width of the dwelling beyond the width of the garage, which is contrary to the intent of the by-law.

Furthermore, there is inadequate permeable landscaping on the property due to the existing and extended driveway width which is considered to dominate the front yard. The increased driveway width fails to incorporate landscaping in the front yard which creates an abundance of hardscaping and reduces the capability of drainage on the property.

As a result, the requested variance does not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

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 variance is requested to permit existing site conditions and bring them into conformity with the Zoning By-law requirements. The variance would allow the front yard to be dominated with vehicles and contribute to increased runoff due to the lack of impervious surfaces having negative impacts on neighbouring properties. The variance requesting a wider driveway width accommodate additional vehicles to be parked in front of the dwelling, which also reduces the ability of the owner to provide front yard landscaping and negatively impacts the visual character of the streetscape. The widened driveway results in an abundance of hard landscaping which may negatively impact drainage on the property and surrounding properties.

The variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is to facilitate the existing driveway width. The increased driveway width facilitates the parking of an additional vehicle in front of the main entrance of the dwelling and contributes to a sense that the property is dominated by hardscaping. The variance is not deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

