



Report Committee of Adjustment

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

File: A-2024-0286
**Owner/
Applicant:** MUHAMMAD WASIM / TAYIBA JABEEN

Address: 1 BARR CRESCENT

Ward: WARD 2

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2023-0286 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision.
 2. That the permission for a maximum driveway width of 8.36m be limited to the portion of the driveway located on the subject property and the driveway shall not be widened on municipal property; and
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached - Special Section 278 - (R1B-278)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 8.36 metres, whereas the By-law permits a maximum driveway width of 7.32 metres.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Medium Density Residential' in the Snelgrove - Heart Lake Secondary Plan (Area 1). 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 not considered to be capable of allowing excessive parking in the front yard on the driveway and its design is appropriately sized relative to the house and lot size.

The requested variance is aligned within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

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

The variance request seeks to permit a constructed driveway width of 8.36 metres, whereas the by-law permits a maximum driveway width of 7.32 metres. The intent of the by-law in regulating the driveway width is to ensure that the driveway does not dominate the front yard landscaped area and/or allow for an excessive number of vehicles to be parked in front of the dwelling and to ensure that sufficient space is provided for drainage while making sure that drainage on adjacent properties are not impacted.

The widened portion of the existing driveway is not considered to significantly impact drainage or contribute to a substantial loss of landscaped open space on the property. While the driveway does not meet zoning requirements the existing conditions of the driveway are not out of character for the area. Furthermore, following a site visit, staff are of the opinion that the current layout of the driveway does not allow an excessive number of cars to be parked in front of the dwelling nor are staff of the opinion that the widening negatively impacts drainage on adjacent properties.

Conditions of approval have been added to ensure that the intent of the Zoning By-law are maintained. Subject to these recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to bring existing site conditions into conformity with the Zoning By-law requirements. Given adjacent permeable surfaces, and the inability for an excessive number of cars to be parked directly in front of the dwelling, the variance is not considered to have negative impacts to the property or adjacent properties. A condition of approval is recommended that the permission for a maximum driveway width of 8.36m be limited to the portion of the driveway located on the subject property and the driveway shall not be widened on municipal property. Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance to allow an increase in driveway width is not considered to create or facilitate any negative impacts. A sufficient amount of open landscaping is retained on the property allowing for adequate drainage. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

