



Report Committee of Adjustment

Filing Date: August 17th, 2024
Hearing Date: September 17th, 2024

File: A-2024-0314
**Owner/
Applicant:** JEYACHITHRA MANICKAM

Address: 11 STREAMLINE DRIVE

Ward: WARD 1

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0314 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached – Special Section 1219 (R1D-1219)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a maximum driveway width of 10.3m, whereas the by-law permits a maximum driveway width of 7.0m;
2. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required side yard; and
3. To permit a 0.57m side yard setback to a proposed exterior stairway leading to below grade entrance in the required interior side yard, resulting in a combined side yard width of 1.22m, whereas the by-law requires a minimum side yard setback of 0.6m provided that the combined total for both side yards on an interior lot is 1.8m;

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown (Area 6). The requested variances are not considered to have significant impacts within the context of the Official Plan.

The subject property is also designated as 'Community Areas' 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.

Variance 1 is requested to permit 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, Variance 1 is not considered maintain the general intent and purpose of the Official Plan.

Variances 2 and 3 are not considered to be impacted are considered to 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 a driveway width of 10.3 metres, whereas the by-law permits a maximum driveway width of 7.0 metres. 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 widened area of the driveway leads directly to the main entrance of the dwelling and

allows for several vehicles to be parked across the width of the driveway, which is contrary to the intent of the by-law.

Variance 1 is not considered to maintain the general intent and purpose of the zoning by-law.

Variance 2 is requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required side yard. 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. Access to the rear yard is not impacted as access is maintained with the proposed configuration of the exterior stairway.

Variance 3 is requested to permit a 0.57m side yard setback to a proposed exterior stairway leading to below grade entrance in the required interior side yard. The intent of the Zoning By-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line.

However, through the engineering review of the application, Staff have concerns relating to drainage. As per the City of Brampton Subdivision Manual, the location of the proposed below grade entrance is not considered to provide sufficient space for drainage on the property. Engineering Staff have commented that they do not support the proposed below grade entrance due to the 1.2 metres side yard setback being required for drainage purposes in accordance with the City of Brampton rear to front drainage design requirements.

Variance 2 and 3 are not considered to maintain the general intent and purpose of the zoning by-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 is requested to permit existing site conditions and bring them into conformity with 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. Subsequently the loss of the landscaped area in front of the dwelling forms an uninterrupted pattern of hardscaping that interrupts and affects the character and design of the neighbourhood and streetscape. Variances 1 is not considered to be desirable for the appropriate development of the land.

Variance 2 and 3 are considered to have negative impacts for the overall drainage of the site. Due to the potential impacts, both Variance 2 and 3 are not considered to be appropriate for the development of the land.

4. Minor in Nature

Variance 1 to allow an increased driveway width is considered to facilitate negative visual and functional impacts. The proposal lacks sufficient permeable and open landscaping on the property allowing for inadequate drainage and permits the ability for multiple vehicles to be parked.

The proposed location of the below grade entrance and reduced interior side yard setback are anticipated to have a negative impacts on drainage. Staff have determined that sufficient space has not been provided to allow for drainage and therefore, it is anticipated to cause issues on the abutting property and on the subject lands.

As such, Variances 1, 2 and 3 are not considered minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

