



Report Committee of Adjustment

Filing Date: May 27, 2024
Hearing Date: September 17, 2024
File: A-2024-0188
**Owner/
Applicant:** Dalimchand Mangra and Ronie Prabudial Mangra
Anju Bhutani
Address: 7 Richgrove Drive
Ward: 10
Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0188 be refused.

Background:

The applicant provided staff with a revised site plan on September 6 which demonstrates a driveway width of 10.34m and a reinstatement of permeable landscape area towards the bay-window of the front entrance. As the revised site plan was provided after the public notice deadline, a revised variance was not included on the public notices.

Existing Zoning:

The property is zoned 'Residential Single Detached A – Special Section 1787 (R1A-1787)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 16.86 metres, whereas the by-law permits a maximum driveway width of 9.14 metres.

Current Situation:

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

The subject property is designated as 'Residential' (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. 'Residential' in the Official Plan and 'Executive Residential' in the Vales of Castlemore Secondary Plan (Area 42).

As outlined in Section 4.2 of the Official Plan provides policies on Residential development. In particular, section 4.2.1.4 (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 to permit a driveway width of 16.86m. However, staff note that the applicant has provided a revised sketch depicting a reduced driveway width of 10.34m. Upon review, staff have concerns with the proposed reduction and the overall remaining driveway width. The primary function of the driveway is to provide access to the garage, but in this case, the driveway has been widened on both sides of the dwelling and along the street curb, which does not directly lead to the garage.

The existing driveway design of the property, at its widest point measures at 16.86m and narrows to an approximate width of 10.4m. Furthermore, a portion of the works was undertaken within the City's Road Allowances (Appendix B). 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 consistent with Official Plan Policies 4.2.1.14 (iii) and 4.2.7.

The general purpose and intent of the Official Plan is not maintained by the requested variance.

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

The subject property is zoned Residential Single Detached A – Special Section 1787 (R1A-1787), according to By-law 270-2004, as amended.

The variance is requested to permit a driveway width of 16.86 metres, whereas the by-law permits a maximum driveway width of 9.14 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 front of the dwelling.

The Zoning By-law requires a minimum of two (2) parking spaces for single-detached dwellings City-wide. The dwelling, which includes a double car garage (an enclosed structure for the storage of one or more vehicles) and a permitted driveway width of 9.14m that accommodates two (2) vehicles, meets the required number of parking spaces. The applicant has worked with Planning staff and proposes to reduce the width of the concrete areas in front of the entrance, resulting in an ultimate driveway width of 10.34m. However, staff remain concerned that the property retains extensive hardscaped areas along the side and rear yard which can facilitate the ability of additional vehicles to be parked.

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 sufficient soft 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

One of the key urban design objectives for residential neighbourhoods 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 City's Development Design Guidelines encourage that the impact of driveways on the streetscape should be minimized. The main architectural elements of houses, such as entrances, porches and windows, together with landscaping, should be the distinguishing components of the streetscape. The widened portions of the driveway, which is located between the front porch and the curb of the street, has the ability to be parked upon by part or whole of a motor vehicle and if vehicles are parked on this portion of the driveway it will detract from the main architectural elements of the house (i.e. the entrance and front porch), which are important features in creating a high quality streetscape. As part of Planning Staff's review of the application, staff are aware of several parking complaints regarding vehicles parked in landscaped areas including in the rear yard of the property (Appendix C).

The requested variance would have a negative aesthetic impact on the appearance of the streetscape and would prevent the infiltration of water into the ground which 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 conditions in relation to the driveway width. The increased driveway width facilitates the parking of additional vehicles across the front of the dwelling. Subject to the recommended conditions of approval, the variance is not considered minor in nature.

Respectfully Submitted,

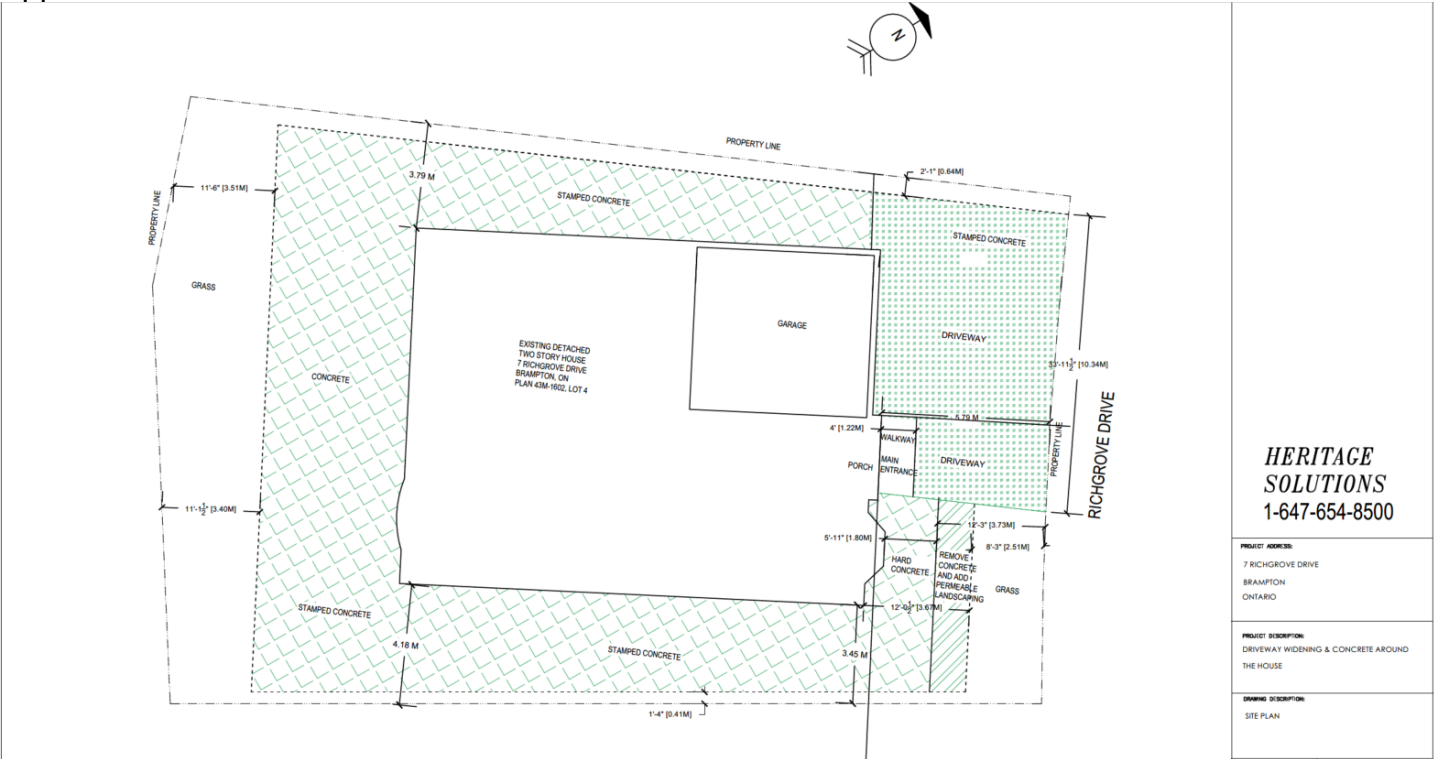
Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos



Appendix B – Revised Site Plan



Appendix C – Property Boundaries

