



Report Committee of Adjustment

Filing Date: June 13, 2024
Hearing Date: September 17, 2024

File: A-2024-0218

**Owner/
Applicant:** VARINDER REHAL & SUKHVINDER KAUR

Address: 32 Turtlecreek Boulevard

Ward: WARD 3

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0218 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner provide Staff with documentation of the final driveway condition inclusive of the width measuring 8.94 metres (29.33 feet) and reinstate landscaped areas as depicted in the submitted Site Plan within 90 days of the Committee's decision or within an extended period of time at the discretion of the Director of Development Services;
3. That the owner reinstates the driveway and landscape areas as depicted in the Site Plan and reduced driveway width to 8.94 metres (29.33 feet) shall be maintained;
4. That the fence located in the front yard of the subject property be relocated outside of the City Right-of-Way or removed entirely; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached B- Special Section 2571 (R1B-2571)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 8.94 metres (29.33 feet), whereas the by-law permits a maximum driveway width of 7.32 metres (24.02 feet); and
2. To permit 0.3 metres (0.98 feet) of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.96 feet) of permeable landscaping abutting the side lot line.

Current Situation:

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

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 property is designated 'Residential' in the Official Plan and 'Low and Medium Density Residential' in the Fletcher's Creek South Secondary Plan (Area 24). The Official Plan establishes policies that facilitate the growth and maintenance of complete residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. As per Section 4.2.1.14 of the City of Brampton Official Plan, driveways are listed as key design areas. The layout of the driveway should be in such a manner that it complements and is consistent with the overall streetscape aesthetic. The requested variances are not considered to have significant impacts within the context of the Official Plan policies and is 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 8.94 metres (29.33 feet), whereas the by-law permits a maximum driveway width of 7.32 metres (24.02 feet). 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 to prevent the parking of an excessive number of vehicles in front of the dwelling. Variance 2 seeks to permit 0.30 metres (0.98 feet) of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.96 feet) of permeable landscaping abutting the side lot line. The intent of the by-law in requiring a minimum permeable landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties. City Engineering

Staff have reviewed the application and have not cited significant impacts on drainage, due to the widening. Subject to the recommended conditions of approval, Variances 1 and 2 maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances seek to permit an existing driveway width which exceeds the requirement that is set out in the Zoning By-law. The applicant provided a Site Plan, depicting landscaping feature abutting side of the driveway and the side yard property line that will be reinstated, alleviating concerns surrounding drainage, while maintaining neighbourhood character and design. A condition has been included in the report, stating that the applicant should provide Staff with documentation of the final driveway condition, inclusive of the width measuring 8.94 metres (29.33 feet) and that this width should not be increased. Documentation should also include the reinstatement landscaped areas as depicted on the Site Plan and it should be completed within 90 days of the Committee's decision or within the given extended period of time. A fence in the front yard that abuts the driveway will also have to be moved back or removed entirely as it is currently located within the City's right-of-way, as noted in the submitted Site Plan. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit an increased driveway width in the front yard of the dwelling. These variances are not considered to be ones that will significantly impact the amount of available outdoor amenity space, permeable landscaping or significantly affect drainage on the subject property or adjacent properties. Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Ellis Lewis, Planner I

Appendix A:

