



Report Committee of Adjustment

Filing Date: July 19, 2024

Hearing Date: September 17, 2024

File: A-2024-0279

**Owner/
Applicant:** GURPREET SAMRA AND RAMEETA SAMRA

Address: 20 Merlin Drive

Ward: WARD 10

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0279 be refused.

Background:

Through City staff's review of the application, it was determined that a legal non-conforming driveway existed prior to the implementing Zoning By-law 270-2004 came into force and effect. The legal non-conforming driveway width permitted the parking of additional vehicles by the main entrance of the dwelling. Over time, the driveway has been repaved and the permeable landscaping along the eastern lot line has been eliminated which results in an increased driveway width that is not considered legal non-conforming.

Existing Zoning:

The property is zoned 'Residential Single Detached A (R1A-1714)', according to By-law 270-2004, as amended.

Requested Variances:

The applicants are requesting the following variances:

1. To permit a driveway width of 12.3 metres, whereas the by-law permits a maximum driveway width of 7.32 metres;
2. To permit 0.22 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres 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 'Residential' in the Official Plan and 'Low Density 2' in the Vales of Castlemore Secondary Plan (Area 42). The subject property is also designated as 'Community Areas' (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 variances reflect 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.

Furthermore, the variance requesting to permit 0.22m of permeable landscaping between the driveway and the side lot line is not in accordance with the Development Design Guidelines which recognizes key elements of design for residential areas. Landscaping is referred to as one of the features that is required. Therefore, the requested variances are 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 subject property is currently zoned 'Residential Single Detached A,' Special Section 1714 (R1A-1714), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a driveway width of 12.3 metres, whereas the By-law permits a maximum driveway width of 7.32 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 existing driveway was widened on both sides for a total width of 12.52m. The applicant is proposing to reinstate 0.22m of permeable landscaping which results in a driveway width that is 4.98m wider than what the by-law permits. 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.

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, Variance 1 does not maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit 0.22 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line. The intent of the by-law in requiring a minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The existing driveway width has resulted in current site conditions where 0m of permeable landscaping abutting the side lot line is provided. The applicant is proposing to reinstate 0.22m of permeable landscaping. Given the proposed site conditions, inadequate permeable landscaping would be maintained on the property due to 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, Variance 2 does not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 requesting a wider driveway width and reduced permeable landscape 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. The increased driveway width and reduced permeable landscaping are not considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are to facilitate an increased driveway width and reinstatement of permeable landscaping. Variance 1 relating to the increased driveway width facilitates the parking of an additional vehicle in front of the main entrance of the dwelling. Variance 2 regarding the reinstatement of permeable landscaping does not provide sufficient landscaping, which contributes to a sense that the property is dominated by hardscaping and limits permeability along the eastern lot line. Variances 1 and 2 are not considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

