



Report Committee of Adjustment

Filing Date: August 17th, 2024
Hearing Date: September 17th, 2024
File: A-2024-0315
**Owner/
Applicant:** TARLOCHAN SINGH & KULWINDOR SINGH
Address: 8 ANTLER ROAD
Ward: WARD 1
Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0315 is supportable in part, subject to the following conditions being imposed:

1. That Variance 1 to permit a driveway width of 10.62 metres be refused;
 2. That Variance 2 to permit 0.21 metres of permeable landscaping abutting the side lot line be refused;
 3. That Variance 3 and 4 be approved;
 4. That drainage on adjacent properties shall not be adversely affected; and
 5. 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 (R1C-1159)' according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 10.62 metres, whereas the by-law permits a maximum driveway width of 7.0 metres.
2. To permit 0.21m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m of permeable landscaping abutting the side lot line.
3. To permit an accessory structure existing shed having a setback of 0.57m to the rear lot line whereas the by-law requires a minimum 0.6m to the nearest lot line.
4. To permit an accessory structure existing shed having a setback of 0.40m to the side lot line whereas the by-law requires a minimum 0.6m to the nearest 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 Residential' in the Brampton Flowertown Secondary Plan (Area 6).

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 and 2 are 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 and 2 are not considered maintain the general intent and purpose of the Official Plan.

Variances 3 and 4 relate to existing accessory structures and 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 10.92 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 2 is requested to permit 0.21m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m 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 removal of the landscaped area on the site lot line is not considered desirable in accordance with the City's Development Design Guidelines for residential neighbourhoods. Cumulatively, the hardscaping on the property creates an abundance of hard surfacing throughout the property which can potentially lead to drainage issues and contributes to a sense that the front of the property is dominated by hard surface.

The removal of the landscaped area directly in front of the dwelling is not considered desirable in accordance with the City's Development Design Guidelines for residential neighbourhoods. Cumulatively, the hardscaping on the property creates an abundance of hard surfacing throughout the property which can potentially lead to drainage issues and contributes to a sense that the front of the property is dominated by hard surface. As a result, the variances 1 and 2 do not maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an accessory structure existing shed having a setback of 0.57m to the rear lot line whereas the by-law requires a minimum 0.6m to the nearest lot line. Variance 4 is to permit an accessory structure existing shed having a setback of 0.40m to the side lot line whereas the by-law requires a minimum 0.6m to the nearest lot line. The intent of the by-law in requiring a minimum setback to an accessory structure is to ensure that sufficient space is provided for drainage and access for maintenance. In this case, the shed generally requires minimal maintenance and drainage in the rear yard does not appear to be impacted by the accessory structures. Subject to the conditions of approval, Variances 3 and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 requested to permit existing site conditions and bring them into conformity with Zoning By-law requirements. The two variances 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 and 2 are not considered to be desirable for the appropriate development of the land.

Variances 3 and 4 are requested to permit the existing location of two sheds with setbacks of 0.57m and 0.40m whereas the by-law requires 0.60m. The accessory structures are seen as appropriate for the development of the land as they would allow for additional storage of utilities on the property. An adequate amount of recreational space remains in the rear yard of the property and drainage will not be negatively impacted. Subject to the recommended conditions of approval, Variances 3 and 4 are appropriate for the development of the land.

4. Minor in Nature

Both variance 1 and 2 to allow an increased driveway width and a reduced permeable landscaping are 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 variance 1 and 2 are not deemed minor in nature.

Variances 3 and 4 seek reduced setbacks from accessory structures to the lot lines in the rear of the property. As minimal maintenance is required for the fences and sheds, Staff are of the opinion that the requested setbacks from the property line to the accessory structures should be adequate to maintain adequate drainage. Subject to the recommended approval conditions, Variances 3 and 4 are appropriate for the development of the land.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

