



Report Committee of Adjustment

Filing Date: September 12, 2024
Hearing Date: October 15, 2024

File: A-2024-0350

**Owner/
Applicant:** Avtar Singh Malhans, Gurpreet Kaur Malhans
Noble Prime Solutions

Address: 81 Victoriaville Road

Ward: WARD 5

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0350 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner reinstates permeable landscaping for the portion of the driveway surrounding the underground utility box in accordance with the sketch attached to the Notice of Decision;
 3. The Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances; and
 4. 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 Special Section 2781 (R1B- 2781)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 10.36 metres, whereas the by-law permits a maximum driveway width of 7.32 metres.

Current Situation:

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

The property is designated 'Residential' in the 2006 Official Plan and 'Low Density 1' in the Credit Valley Secondary Plan (Area 45). 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 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. This is related to the design objectives outlined within Section 4.2.7 of the City of Brampton's Official Plan which aims to avoid the excessive parking of vehicles in the front yard and on driveways, and to promote a driveway design that is complementary to the house and lot size. The requested variance, subject to the recommended conditions of approval maintain the general intent and purpose of the Official Plan.

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

The variance is requests to permit a driveway width of 10.36 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 to prevent the parking of an excessive number of vehicles in front of the dwelling.

The subject property contains a single detached dwelling located on a corner lot. The variance represents an increase of the permitted driveway width by 3.04 metres and the extended portion of this driveway is intended to be limited as per the submitted sketch. A portion of the existing driveway does not provide the required clearance between the driveway and the underground utility box located on the city's right of way. In order to address staff's concerns relating to this matter and the potential for damages to the underground utility box, reinstatement of a portion of the driveway has been requested and agreed to by the applicant/owner. Although the full driveway width will exceed the requirements of the by-law, there will continue to be a substantial amount of permeable landscaping remaining on the property in a manner that is deemed appropriate. With the reinstatement of the permeable landscaping between the driveway and the utility box, staff do not anticipate the driveway to accommodate an excessive number of parked vehicles. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed driveway width of 10.36 metres is not anticipated to facilitate the parking of an excessive number of vehicles detracting from the residential intent and function of the property. A condition of approval is recommended that the owner reinstates the portion of the driveway surrounding the underground utility box in accordance with the sketch attached to the Notice of Decision. Although the reinstatement of the permeable landscaping around the utility box does not impact the extent of the overall driveway width, the area leading to the walkway is not anticipated to allow for vehicular parking. A further condition is recommended that the owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances. Subject to the recommended conditions of approval, the requested variance is considered desirable and appropriate development of the land.

4. Minor in Nature

The requested variance is seeking relief from maximum driveway width requirements. The requested variances seek to increase the width of the driveway by 3.04 metres and only be in relation to the proposed sketch which will reinstate permeable landscaping around the utility box. The property is considered to retain sufficient balance of permeable landscaping while limiting the ability for excessive vehicular parking. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A – Site Visit Photographs

