



Report Committee of Adjustment

Filing Date: September 13, 2024

Hearing Date: October 15, 2024

File: A-2024-0365

**Owner/
Applicant:** Harprit Singh Bedwal & Jasleen Kaur
Harjinder Singh / MEM Engineering Inc.

Address: 32 Stedford Crescent

Ward: WARD 6

Contact: Simran Sandhu, Planner I

Recommendations:

That application A-2024-0365 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached F – Special Section 2452 (R1F-2452)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 0.62 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door;
2. To permit a driveway width of 8.94 metres, whereas the by-law permits a maximum driveway width of 7.00 metres; and,

3. To permit 0.05 metres of permeable landscaping abutting the side lot line on one side and 0.15m of permeable landscaping abutting the side lot line on the other side, whereas the by-law requires a minimum 0.6m 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 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51).

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/Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). Upon staff's review of the application the path of travel leading to the primary entrance to a second unit is not sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. Should the side entrance be used to access an Additional Residential Unit, it would fail to comply with minimum OBC requirements relating to path of travel and therefore, the variance does not maintain the intent and purpose of the Official Plan.

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. Therefore, variances 2 and 3 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

Variance 1 is requested to permit a proposed above grade entrance in a side yard having a minimum width of 0.62 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door.

The intent of the by-law in requiring a minimum 1.2m (3.94 ft.) path of travel is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes. Furthermore, upon staff's review, a permit would not be issued for a legal second unit given the non-compliance with the requirements of the Ontario Building Code. Staff note that should the committee approve the requested variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as the primary entrance to a secondary unit, an alternate primary entrance to the secondary unit must be provided. The variance does not maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a driveway width of 8.94 metres, whereas the by-law permits a maximum driveway width of 7.00 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. Variance 3 is to permit 0.05 metres of permeable landscaping abutting the side lot line on one side and 0.15m of permeable landscaping abutting the side lot line on the other side, 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 landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties. These variances would permit a driveway width that is considered too large relative to the lot width and goes beyond the primary function of the driveway, which is to provide a surface leading to a garage and permit the parking of additional vehicles in the front yard. Staff are of the opinion that the driveway contributes to a significant reduction in permeable surfaces in the front yard which visually impacts the streetscape. Variances 2 and 3 do not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is intended to permit a proposed above grade door on the side wall of the dwelling where there is insufficient space for everyday purposes and access. The applicant is to be aware that the proposed above grade door in the side wall will not be permitted to be used as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a second dwelling unit, as per the Ontario Building Code (OBC). The variance is not considered to be desirable for the appropriate development of the land.

Variances 2 and 3 seek to permit an existing driveway width which exceeds the requirement that is set out in the Zoning By-law. The driveway extension functions in contravention of the City's Development Design Guidelines for residential neighbourhoods, which provides guidelines for neighbourhoods character, design, and streetscapes among other elements. The requested variances result in a decrease of the landscaped area along the side lot line, which is intended to visually function as a break between hardscaped areas in order to frame the neighbourhood and reduce the impact of driveways on the streetscape. The loss of the landscaped area along the side lot line forms an uninterrupted pattern of hardscaping that interrupts and affects the character and design of the neighbourhood and streetscape. It is generally the desire of the City to balance driveways with landscaping to function as distinguished components of the streetscape. Furthermore, it is generally the desire of the City to avoid excessive parking of vehicles in the front yard on the driveways and promote a driveway design that is complementary to the house and lot size. Variances 2 and 3 are generally not considered to maintain

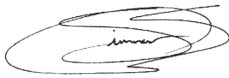
the general intent and function of the subject property, adjacent properties, and the neighbourhood. These variances are not considered desirable and appropriate development of the land.

4. Minor in Nature

Staff recommend that the variance to permit a proposed above grade entrance in a side yard having a minimum width of 0.62 metres extending from the front wall of the dwelling up to the door be refused. The proposed path of travel fails to comply with the minimum requirements of the OBC and therefore, the variances are not considered to be minor in nature.

Variances 2 and 3 are seeking relief from driveway width requirements and permeable landscaping requirements. The requested variances seek to increase the width of the driveway by 1.94 metres and reduce permeable landscaping along the side lot line by 0.55 and 0.45 metres. The requested variances reduce the amount of available landscaped area in a manner that is considered undesirable for the subject property and facilitate additional vehicular parking. Variances 2 and 3 are not considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran', enclosed within a circular scribble.

Simran Sandhu, Planner I

Appendix A: Site Visit Photos

