



Report Committee of Adjustment

Filing Date: May 31, 2024
Hearing Date: November 12, 2024

File: A-2024-0195

**Owner/
Applicant:** Murali Vilvaratnam & Jeyatheepa Sockalingam

Address: 61 Blazing Star Dr

Ward: 9

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0195 is supportable in part, 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 variance 2 width of 8.2 metres, whereas the by-law permits a maximum driveway width of 7.0 metres be refused;
 3. That variance 3 to permit 0.3 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 be refused;
 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:

The Minor Variance application was initially submitted in Spring 2024 but was placed on administrative hold until revised plans were provided to include the existing first-story porch and second-story balcony enclosures. This application was originally prompted by a by-law complaint in 2023 regarding the widened driveway. Since the complaint, portions of the permeable landscaping at the front of the

property have been reinstated. However, the driveway's overall width and the amount of permeable landscaping between it and the side lot line remain non-compliant with Zoning By-law requirements.

Existing Zoning:

The property is zoned 'Residential Single Detached C - Special Section 1096 (R1C-1096)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 3.19 metres to an existing porch enclosure and second storey addition, whereas the by-law requires a minimum front yard setback of 4.5 metres to the front wall of a dwelling;
2. To permit a driveway width of 8.2 metres, whereas the by-law permits a maximum driveway width of 7.0 metres; and
3. To permit 0.3 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 as 'Residential' in the Official Plan and 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2).

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.

In regards to variance 1, the requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintain the general intent and purpose of the Official Plan.

Variances 2 and 3 are to facilitate an existing driveway width which is greater than what the by-law permits. 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 are 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, the requested 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 seeking to permit a front yard setback of 3.19 metres to an existing porch enclosure and second storey addition, whereas the by-law requires a minimum front yard setback of 4.5 metres to the front wall of a dwelling. The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking, landscaped area and consistency in the sitting of houses along a street.

The front yard setback reduction is due to the existing enclosures for the front porch on the main floor and second storey balcony of the dwelling. The enclosures are not considered to adversely impact parking or drainage on the property. Although some landscape areas at the front yard will be reduced, there will still be an adequate amount of landscape area on the property. The enclosures do not extend beyond the existing footprint of the porch and balcony. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a driveway width of 8.2 metres, whereas the by-law permits a maximum driveway width of 7.0 metres; and Variance 3 is requested to permit 0.3 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 Zoning By-law in regulating driveway width is to balance parking needs with aesthetic and functional concerns by ensuring that driveways and the vehicles parked on them do not dominate the streetscape, and by permitting water infiltration through landscaping. The intent of the Zoning By-law in requiring a 0.6 metres permeable landscape strip along the side lot lines of residential properties is to create a landscaped area that facilitates water infiltration, aiding stormwater management by encouraging natural groundwater absorption. Furthermore, it helps maintain an aesthetically pleasing and functional landscaping buffer between neighboring properties.

The design of this dwelling features a double-car garage capable of accommodating two (2) vehicles indoors. Moreover, the Subject Property includes a permitted driveway with a width of 7.0 meters, allowing space for two (2) vehicles to be parked on the driveway. The proposed variance for driveway width, which is 8.2 metres (26.9 feet) wide, accommodates parking for up to three (3) vehicles on the driveway in the front yard of the Subject Property. The proposed Variances 2 and 3 would create site conditions conducive to an excessive number of vehicles parked on the Subject Property, adversely impacting the streetscape and character of the neighbourhood, contrary to the intent of the Zoning By-law. The overall decrease in residential landscaping creates a front yard dominated by hard surfaces,

reducing green space below their desired levels. As a result, the requested 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

This minor variance application is requested to permit existing site conditions in regards to a front porch enclosure and driveway conditions. Variance 1 is requested to permit a reduced front yard setback to existing porch and balcony enclosures. The reduction is not anticipated to result in negative visual impacts to the streetscape or functional impacts relating to vehicular parking in the front of the property. The variance is deemed desirable for the appropriate development of the land.

Variances 2 and 3 are requested to permit the existing site conditions of a widened driveway. The variances requesting a wider driveway and reduced permeable landscaping allow for additional vehicle parking in front of the dwelling, which diminishes the ability to provide front yard landscaping and negatively impacts the streetscape's visual character. The widened driveway leads to an excess of hard landscaping, which may adversely affect water infiltration and drainage. Together, these variances create an imbalance in permeable landscaping on the property and allow for additional parking of vehicles. Therefore, Variances 2 and 3 regarding the increased driveway width and reduced permeable landscaping are not considered desirable or the appropriate development of the land.

4. Minor in Nature

Variance 1 is requested to permit existing site conditions for an enclosed porch with a reduced front yard setback. The reduced front yard setback is considered by staff to maintain sufficient area for parking and landscaping. Furthermore, as the existing enclosure is over the previously open front porch areas, staff are of the opinion that the enclosed porches will have no negative impact on neighboring properties or the streetscape. As a such, Variance 1 is considered minor in nature.

The Variance 2 to allow an increase in driveway width is considered to facilitate the ability for multiple vehicles to be parked in front of the main entrance of the dwelling in a manner that is deemed excessive. Variance 3 to permit 0.3 metres of permeable landscaping abutting the side lot line represents a substantial change with potential negative drainage impacts as most of the front yard has hardscaping. The requested variances 2 and 3 are not deemed minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos



Appendix B – Previous Site Conditions



