



Report Committee of Adjustment

Filing Date: October 01, 2024
Hearing Date: November 12, 2024

File: A-2024-0379

**Owner/
Applicant:** **Muhammed Afsar Ahmed, Roxana Sharmin
Mazhar Raja**

Address: **49 El Camino Way**

Ward: WARD 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0379 is supportable in part, subject to the following conditions being imposed:

1. That variances 3, 4, and 5 be refused;
 2. That the extent of the variances 1 and 2 be limited to that shown on the sketch attached to the Notice of Decision;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the owner reinstate the curb that has been modified, reducing the curb cut to the permitted 7 m;
 5. That the owner contact ROA.Permits@brampton.ca prior to starting any works and obtain a road occupancy permit should it be required; and
 6. 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 (R1D) Special Section 1148', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (existing shed) having a setback of 0.31 metres to the rear lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line;
2. To permit an accessory structure (existing shed) having a setback of 0.31 metres to the side lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line;
3. To permit a driveway width of 8.66 metres, whereas the by-law permits a maximum driveway width of 7.00 metres;
4. To permit 0.00 metre 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; and
5. To permit a parking space depth of 5.10 metres (16.76 feet.), whereas the by-law requires a minimum parking space depth of 5.4 metres (17.72 feet.).

Current Situation:

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

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 Fletcher's Meadow Secondary Plan (Area 44). Policy 4.2.7.1 of the City's Official Plan (2006) directs that residential development proposals "shall be evaluated in accordance with the Development Design Guidelines and Urban Design section of this Plan. Chapter 6 of the City of Brampton's Development Design Guidelines speaks to Site Planning and Built Form within Residential Areas. Guideline 1.3 states that "the impact of garages and driveways should be minimized", and that the architectural features of the home and landscaping should be one of the distinguishing components of the streetscape. The intent of Guideline 1.3 is to minimize the impact of driveways on the streetscape. Rather, key architectural elements like entrances, porches, windows, and landscaping should define the streetscape. The proposed reduced parking space depth, width increases, and removal of permeable landscaping impact the driveway on the streetscape as vehicles encroach on the City's right of way. Creating a legal parking space for a vehicle to be parked in the proposed area would overhang within the city's right of way impacting the streetscape and detracts from achieving a desirable pedestrian environment.

The requested variances relating to the driveway are considered to have significant impacts within the context of the Official Plan policies, however, variances 1 and 2 relating to the existing structures are not considered to have significant impacts. The requested variances 1 and 2 are considered to maintain the general intent and purpose of the Official Plan, variances 3-5 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 an accessory structure (existing shed) having a setback of 0.31 metres to the rear lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line and variance 2 is requested to permit an accessory structure (existing shed) having a setback of 0.31 metres to the side lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line. The intent of the zoning by-law in prescribing a minimum setback from the nearest property lines is to ensure that sufficient area is maintained for purposes of drainage and run-off. Engineering staff have reviewed the property and do not have any concerns regarding the location of the existing accessory structure and no negative impacts are anticipated in respects to drainage on site.

Variance 3 is requested to permit a driveway width of 8.66 metres, whereas the by-law permits a maximum driveway width of 7.00 metres, variance 4 is requested to permit 0.00 metre 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, and variance 5 is requested to permit a parking space depth of 5.10 metres (16.76 feet.), whereas the by-law requires a minimum parking space depth of 5.4 metres (17.72 feet.).

The intent of the By-law in requiring a minimum parking space size, including depth, and stipulating requirements pertaining to driveway width and permeable landscaping is to ensure that it is adequately sized to fit the majority of automobiles, while also ensuring a property is not overwhelmed with hardscaping.

The parking size reduction has been reviewed by Traffic Services staff and is not considered sufficient to create a legal parking space. Although the width of the driveway complies with the by-law, there is a potential that the depth is insufficient and leads to vehicle overhang onto the City's right of way.

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 limit an excessive number of vehicles that can be parked in front of the dwelling. With the removal of the landscaping, staff noticed that there is a substantial amount of hardscaping in the front yard that is considered to be excessive.

As per the staff site visit, Staff are of the opinion that the current layout of the lot does allow an excessive number of cars to be parked in front of the dwelling. Staff do not support the Variance due to concerns relating to the ability to park excessive vehicles with the current conditions. Given the conditions

mentioned staff are of the opinion that variances 3-5 do not maintain the general intent and purpose of the zoning by-law.

3. Desirable for the Appropriate Development of the Land

Variances 1-2 pertaining to deduced setbacks relating to an existing shed are supportable as they the location of the shed is not considered to limit maintenance or impact drainage. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Staff are of the opinion that variances 1 and 2 are desirable for the appropriate development of the land.

The requested variances 3, 4, and 5 are to permit a reduced parking space dept, widened driveway, and removal of permeable landscaping. The existing site configuration is not supportable due to the expansive use of hardscaping on the front yard and lack of permeable materials which may impact adequate drainage on site. The additional concern relating to the encroachment into the City's right of way adds to the lack of desirability for variances 3-5, therefore these variances are not considered desirable for the appropriate development of land.

4. Minor in Nature

The applicant is requesting variances tied to reduction in parking space size, widened driveway conditions, the removal of permeable landscaping, and reduced setbacks relating to an existing shed structure. The current site conditions establish excessive hardscaping and facilitate additional vehicle parking within the front of the dwelling. Due to these conditions variances 3-5 are not considered minor in nature. However, staff are of the opinion that the variances relating to the existing accessory structure are minor in nature as they support the amenity space for the property.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos

