



Report Committee of Adjustment

Filing Date: September 18, 2024

Hearing Date: November 12, 2024

File: A-2024-0371

**Owner/
Applicant:** GURMEET K. MANN & KULDIP SINGH

Address: 1 Lyndbrook Crescent

Ward: WARD 10

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0371 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage on adjacent properties shall not be adversely affected;
5. That the fence used to screen the below grade entrance remain as provided and not be removed or lowered, but may be repaired or replaced when necessary;
6. That the owner provide Staff with documentation of the final driveway condition inclusive of the width measuring 7.32 metres (24.02 feet) and reinstate landscaped areas as depicted in the submitted Site Plan within 90 days of the Committee's decision or within an extended period of time at the discretion of the Director of Development Services;

7. That the owner reinstates the driveway and landscape areas as depicted in the Site Plan and reduced driveway width to 7.32 metres (24.02 feet) shall be maintained; and
 8. 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 1854 (R1C-1854)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard;
2. To permit an existing exterior side yard setback of 1.87 metres (6.14 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet); and
3. To permit a driveway width of 7.32 metres (24.02 feet), whereas the by-law permits a maximum driveway width of 7.00 metres (22.97 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 is designated 'Low/Medium Density in the Bram East Secondary Plan (Area 41).

The request for Variances 1 and 2 are not considered to have significant impacts within the context of the Official Plan. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-

law and other applicable approval requirements. The nature and extent of the Variances 1 and 2 are considered to maintain the general intent and purpose of the Official Plan.

The request for Variance 3 aligns with the intent of the Development Design Guidelines. As set out in Section 4.2.1.14 of the City of Brampton Official Plan, the City recognizes that garage placement and design are key elements of residential area aesthetic. Guidelines look to ensure that driveways are built in proportion to the dwellings and look to maintain high quality streetscape and habitable room widths. The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Variance 3 is 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 existing exterior stairway leading to a below grade entrance in the required exterior side yard, whereas the by-law does not permit a stairway constructed below established grade to be located in the required exterior side yard. Variance 2 is requested to permit a below grade entrance with an exterior side yard setback of 1.87 metres (6.14 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). The intent of the by-law in requiring a minimum exterior side yard setback to a below grade entrance and exterior stairway is to ensure that sufficient space is provided to allow access to the rear yard. City Engineering Staff have also reviewed the proposed development and are satisfied that it does not negatively impact drainage on the subject parcel or abutting property. Staff recommend that the owner keep and maintain the fence that is constructed to screen the existing entrance, in order to minimize visual impacts on the streetscape. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a driveway width of 7.32 metres (24.02 feet), whereas the by-law permits a maximum driveway width of 7.00 metres (22.97 feet). 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. Staff are of the opinion that the driveway width is not considered to facilitate an excessive number of vehicles being parked near the front entrance of the dwelling or significantly impact drainage on the site. Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is seeking to permit an existing exterior stairway leading to a below grade entrance in the required exterior side yard, whereas the by-law does not permit a stairway constructed below established grade to be located in the required exterior side yard. Variance 2 is requested to permit a below grade entrance with an exterior side yard setback of 1.87 metres (6.14 feet), whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). The existing below grade entrance has been constructed along the western wall of the detached dwelling, which is located northwest corner of Lyndbrook Crescent and Calderstone Road. The variance to reduce the resulting setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties. Conditions of approval are recommended that drainage on

the adjacent properties shall not be adversely affected. The fence that has already been constructed to shield the stairway, entrance and side yard shall remain in place, as illustrated on the Site Plan. A condition has been included stating that the fence that is used to screen the below grade entrance shall remain as constructed, and not be removed or lowered, but may be repaired or replaced when necessary. Subject to the conditions of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

Variance 3 is to permit a driveway width which exceeds the requirement that is set out in the Zoning By-law. The driveway will be increased by 0.32 metres (1.05 feet) beyond the width that is permitted, as per the Zoning By-law. The applicant has worked with the City's Zoning and Development Services departments to make alterations to the Site Plan that was originally submitted, as permeable landscaping features that abut the driveway and side lot property line were previously removed. A condition has been included in the Staff Report stating that the removal of the identified hardscape features should occur within 90 days of the Committee's decision.

While the total width of the driveway exceeds the maximum requirements of the Zoning By-Law, the materials and design maintain a certain aesthetic quality which does not detract from the streetscape. The property continues to maintain a substantial amount of landscaped area at the front of the property. The expanded driveway will not have a negative impact on the streetscape as permeable landscaping features will remain and access to the front entrance will not be reduced. Subject to the recommended conditions of approval, Variance 3 is appropriate for the development of the land.

4. Minor in Nature

Variance 1 is required to permit an exterior stairway leading to a below grade entrance by permitting a reduced setback. Variance 2 is required to permit a reduced interior setback to a stairway leading to a below grade entrance. The variances are not anticipated to have significant impact on access to the property or visually detract from the streetscape as the entrance and below grade stairway are shielded from the public, due to a fence being in place. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Variance 3 is requested to permit an increased driveway width in the front yard of the dwelling that will be 0.32 metres (1.05 feet) more than the permitted width, as per the Zoning By-law. This variance is not considered to be one that will negatively impact the amount of available permeable landscaping or significantly affect drainage on the subject property or adjacent properties. The submitted Site Plan illustrates the reinstated grass along the eastern section of the lot. Variance 3 is considered to be minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

