



Report Committee of Adjustment

Filing Date: June 10, 2024
Hearing Date: November 12, 2024

File: A-2024-0215

**Owner/
Applicant:** Swaran Singh
Pavneet Kaur

Address: 4 Maple Avenue

Ward: Ward 1

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0215 be refused.

Background:

Staff note that this Minor Variance application stems from ongoing enforcement action. The application was first presented to the Committee of Adjustment on August 20, 2024, during which staff recommended a deferral to allow for the submission of additional documentation needed to establish a formal assessment of the requested variances. Staff's review identified discrepancies between the property boundaries and the driveway location, which may partially encroach on city property. A title search and property survey have been requested from the applicant. Despite ongoing follow-up efforts, no additional information has been provided by the applicant or property owner.

Existing Zoning:

The property is zoned 'Residential Single Detached (R1B)', according to By-law 270-2004, as amended. Staff also note this property is located within a mature neighbourhood.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (existing shed 1), located in the rear yard having a setback of 0.56 metres to the side lot line, whereas, the by-law requires a minimum setback of 0.6 metres to the nearest lot line;
2. To permit an accessory structure (existing shed 2), located in the rear yard having a setback of 0.31m to the side lot line, and 0.32m to the rear lot line, whereas the by-law requires a minimum setback of 0.6 metres to the nearest lot line;
3. To permit a combined gross floor area of 20.44 square metres (220 square feet) for two (2) accessory structures (existing sheds), whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures;
4. To permit a driveway width of 10.37 metres (34.0 feet), whereas the by-law permits a maximum driveway width of 7.0 metres (22.96 feet);
5. To permit 0.30 metres of permeable landscaping abutting both side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot lines; and
6. To permit the rear yard to be paved for the purpose of parking whereas the by-law does not permit the rear yard to be paved for the purpose of parking (except on a driveway that lead to a garage).

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 'Mixed Use' (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 'Central Area' in the Official Plan and 'Central Area Mixed' in the Downtown Brampton Secondary Plan (Area 7). 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 through to the rear of the property and is not considered to be a realistic design relative to the house and lot size. The requested variances is 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 and facilitates an excessive amount of hardscaping in front of the dwelling. The requested variances 1, 2, and 3 are considered to maintain the general intent and purpose of the Official Plan, however, variances 3-5 are not considered to maintain the general intent and purpose of the Official Plan. Therefore, the requested variances is considered not to maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential Single Detached (R1B)', according to By-law 270-2004, as amended. Staff also note this property is located within a mature neighbourhood.

The variances are to permit existing conditions relating to accessory structures and an existing widened driveway. 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. After reviewing the current site conditions, staff are of the opinion that without additional requested supporting documents clarifying property lot lines, staff are unable to support the requested variances. Therefore, Staff recommend the refusal of the requested Variance as it is not considered to maintain the general purpose of the Zoning By-Law.

3. Desirable for the Appropriate Development of the Land

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. Additionally, without verifying accurate lot lines staff cannot adequately review the variances relating to setback modifications for the accessory structures as they may be partially located outside the limits of the property. Therefore, Staff recommend the refusal of the variance as it is not desirable for the appropriate development of the land.

4. Minor in Nature

The request for the widened driveway facilitates the ability for excessive parking in the front and side of the subject property. The location of the accessory structures are also potentially not positioned within the limits of the property. There is insufficient information

required to accurately review the application and therefore, the variances are not considered to be minor in nature.

Respectfully Submitted,

Emily Mailling, Planning Technician

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Site Visit Photos

