



Report Committee of Adjustment

Filing Date: November 7th, 2024
Hearing Date: December 10th, 2024

File: A-2024-0314
**Owner/
Applicant:** JEYACHITHRA MANICKAM

Address: 11 STREAMLINE DRIVE

Ward: WARD 1

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0314 is supportable, in part, subject to the following conditions:

1. That the extent of the variance 1 be limited to that shown on the sketch attached to the Notice of Decision;
 2. That Variance 2 be refused;
 3. That Variance 3 be refused;
 4. That the owner reinstate the required 0.6 metres permeable landscaping between the edge of the driveway and the side lot line in accordance with the sketch attached to the Notice of Decision;
 5. That the city street tree is not be impacted and a minimum 1m offset from the driveway edge be provided; 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:

Through the review of the application, City Engineering staff identified that there is an existing Rear Lot Catch Basin storm sewer line running along the side yard where the below grade entrance is to be located. City staff have relayed these concerns to the applicant prior to the preparation of this report.

Existing Zoning:

The property is zoned 'Residential Single Detached – Special Section 1219 (R1D-1219)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a maximum driveway width of 7.91m, whereas the by-law permits a maximum driveway width of 7.0m
2. To permit a proposed 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 side yard; and
3. To permit a 0.57m side yard setback to a proposed exterior stairway leading to below grade entrance in the required interior side yard, resulting in a combined side yard width of 1.22m, whereas the by-law requires a minimum side yard setback of 0.6m provided that the combined total for both side yards on an interior lot is 1.8m;

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown (Area 6). The requested variances are not considered to have significant impacts within the context of the Official Plan.

The subject property is also designated as 'Community Areas' and 'Neighbourhoods' (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.

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 owner proposes the reintroduction of permeable material between the driveway and the side lot line to comply with the Zoning By-law requirements. Subject to the reinstatement of permeable landscaping, the proposed driveway design for this property is not anticipated to allow excessive parking in the front yard on the driveway and is considered to be a realistic design relative to the house and lot size.

Variance 1 is requested to permit an increased driveway width from the current existing design. 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 not 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, Variance 1 is considered to maintain the general intent and purpose of the Official Plan.

Variances 2 and 3 are not considered to be impacted and are 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 driveway width of 7.91 metres, whereas the by-law permits a maximum driveway width of 7.0 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 that the driveway does not allow for an excessive number of vehicles to be parked in the front of the dwelling. With the reintroduction of permeable material the proposed driveway design for this property is not capable of allowing excessive parking in the front yard on the driveway. Variance 1 is considered to maintain the general intent and purpose of the zoning by-law.

Variance 2 is requested to permit a proposed 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 side yard. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained. Access to the rear yard is not impacted as access is maintained with the proposed configuration of the exterior stairway.

Variance 3 is requested to permit a 0.57m side yard setback to a proposed exterior stairway leading to a below grade entrance in the required interior side yard. The intent of the Zoning By-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line.

When completing a review to determine whether the location of a below grade entrance and resulting interior side yard setback are appropriate, staff look to ensure that its location will not contribute to disturbance onto adjacent properties by way of drainage or access. Staff have reviewed the application and have concerns relating to location of the below grade entrance relative to an existing storm sewer line located along the side yard of the property. Engineering Staff provided comments stating that they

do not support the proposed below grade entrance due to the rear lot catch basin (RLCB) storm sewer line running along the side yard where the below grade entrance is proposed. Staff have communicated the matter with the applicant.

The requested variances are anticipated to impact the storm sewer line on site and are therefore not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit revised site conditions bring them into conformity with Zoning By-law requirements. The variance would not allow the front yard to be dominated with vehicles and would not impact runoff as permeable surfaces are being reintroduced. Variance 1 is considered to be desirable for the appropriate development of the land.

The construction of a below grade entrance in the side yard of this property is anticipated to negatively impact the storm sewer line. Variance 2 and 3 are considered to have negative impacts for the overall drainage of the site and neighbouring sites. Due to the potential impacts, both Variance 2 and 3 are not considered to be appropriate for the development of the land.

4. Minor in Nature

Variance 1 to allow an increased driveway width is not considered to facilitate negative visual or function of the site. The reintroduction of permeable landscaping allows for adequate drainage while the increase in driveway width does not allow for multiple vehicles to be parked. Variance 1 is considered minor in nature.

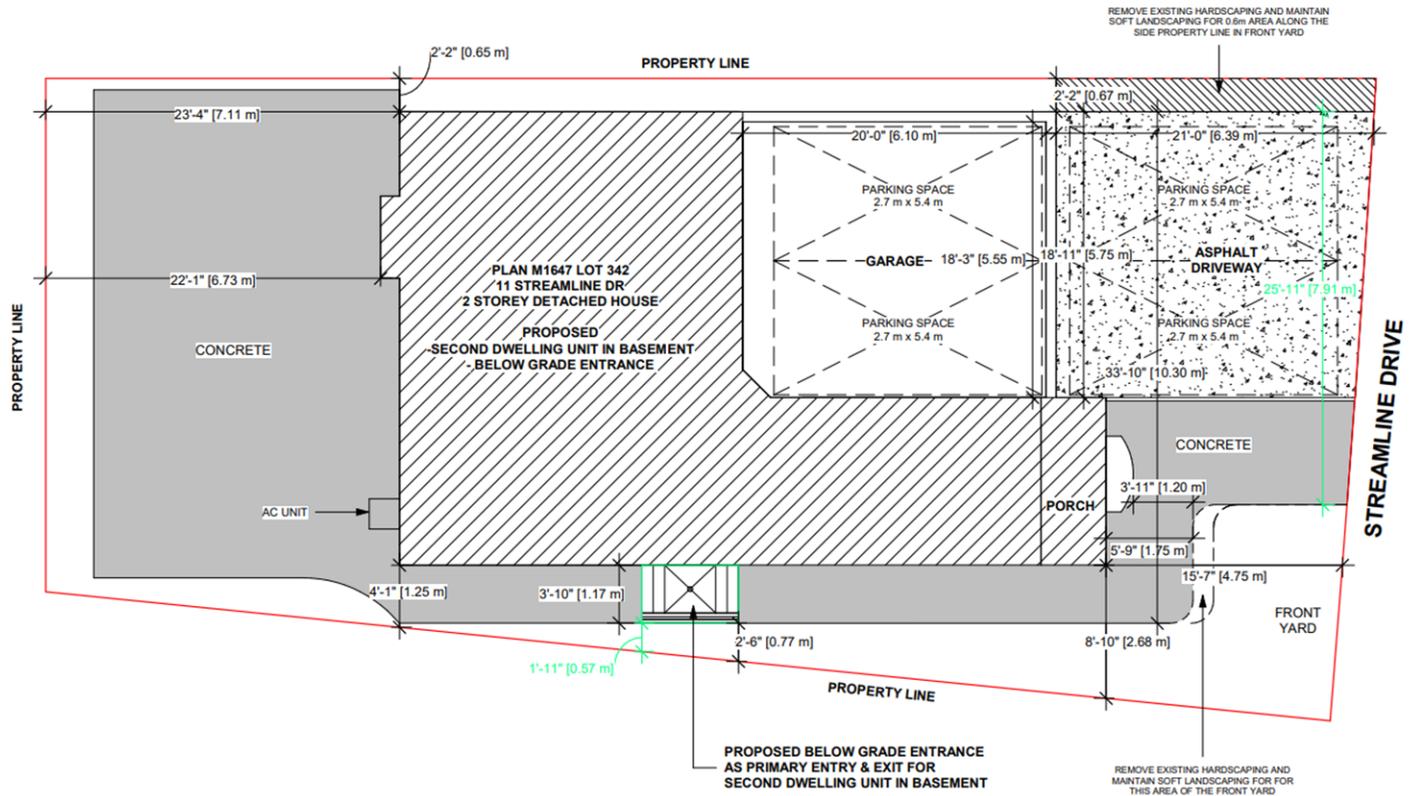
The proposed location of the below grade entrance and reduced interior side yard setback are anticipated to have a negative impact on a RLCB storm sewer line running along the side yard. Staff have determined that sufficient space has not been provided to allow the construction of a below grade entrance in relation to the location of the storm sewer line. Variances 2 and Variance 3 are not considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:



Appendix B:



Appendix C:

