



## Report Committee of Adjustment

**Filing Date:** November 7<sup>th</sup>, 2024  
**Hearing Date:** December 10<sup>th</sup>, 2024

**File:** A-2024-0401

**Owner/  
Applicant:** Parnminder Bath & Hartaran Kaur  
Manpreet Kohli c/o Punjab Designs

**Address:** 36 Love Court

**Ward:** WARD 10

**Contact:** Marcia Razao, Planning Technician

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### Recommendations:

That application A-2024-0401 be refused

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### Background:

This property owner previously applied for a Minor Variance under application A-2024-0173, heard at the May, 2024 Committee of Adjustment hearing. Staff recommended that the application be approved subject to conditions being fulfilled. Those conditions included the following:

- That the owner provide Staff with documentation of the final driveway condition inclusive of the width measuring 8.09 metres (26.54 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; and
- That the owner reinstate the driveway and landscape areas as depicted in the Site Plan and reduced driveway width to 8.09 metres (26.54 feet) shall be maintained, and shall not be removed, but may be repaired when necessary. Site photos in Appendix 1 display current site conditions. The permeable landscaping and driveway were not reduced.

The Committee of Adjustment approved the application subject to conditions requiring the owner to reinstate portions of the driveway and permeable landscaping in accordance with the sketch.

Application A-2024-0401 has been submitted by the owner and applicant seeking approval of the existing site conditions of the driveway with no modifications proposed.

### Existing Zoning

The property is zoned 'Residential Single Detached 15.5 Special Section 2459 (R1E-15.2-2459)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a driveway width of 8.41 metres whereas the by-law permits a maximum driveway width of 7 metres; and
2. To permit a parking space depth of 3.67m whereas the by-law requires a minimum parking space depth of 5.4m
3. To permit 0.0 metres of permeable landscaping abutting the side lot lines, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot lines.

**Current Situation:**

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

The property is designated 'Residential' in the 2006 Official Plan and 'Low/Medium Density Residential' in the Fletcher's Creek South Secondary Plan (Area 40d). 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 Official Plan establishes policies that facilitate the growth and maintenance of complete residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. As per Section 4.2.1.14 of the City of Brampton Official Plan, driveways are listed as key design areas. The layout of the driveway should be in such a manner that it complements and is consistent with the overall streetscape aesthetic. This is related to the design objectives outlined within Section 4.2.7 of the City of Brampton's Official Plan which aims to avoid the excessive parking of vehicles in the front yard and on driveways, and to promote a driveway design that is complementary to the house and lot size. The driveway design for this property is capable of allowing what staff consider to be excessive parking of vehicles on the driveway. The Development Design Guidelines for residential properties referred to in the Official Plan also seeks to minimize driveway cuts to pedestrian boulevards. A variance is requested to reduce the depth of a parking space in order to facilitate the approval of a curb cut. The requested variances do not 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 requests to permit a driveway width of 8.41 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 to prevent the parking of an excessive number of vehicles in front of the dwelling.

Variance 2 is being requested to permit a parking space depth of 3.67 metres, whereas the by-law requires a minimum parking space depth of 5.4 metres. The intent of the By-law in requiring a minimum parking space depth is to ensure that adequate space is provided to accommodate the majority of automobiles. The variance is also proposed to facilitate the approval of a curb cut permit. The proposed parking space depth reduction to 3.67 metres has been reviewed by Traffic Services Staff and is not considered to provide sufficient space for parking.

Variance 3 seeks to permit 0.0 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 by-law in requiring a minimum permeable landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties.

Variance 1 represents an increase of the permitted driveway width by 1.41 metres while variance 2 represents a parking depth reduction. Variance 3 represents the eliminations of permeable landscaping abutting the side lot line. The increased driveway width combined with the elimination of permeable landscaping facilitates additional vehicular parking at the front of the property. Furthermore, the removal of the landscaped area on the site lot line is not considered desirable in accordance with the City's Development Design Guidelines for residential neighbourhoods. The requested variances are not considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The subject property is located within an established low/medium density residential neighbourhood that is largely characterized by single-detached dwellings with garages and driveways maintaining frontage onto the street. The proposed variances are considered to significantly reduce the amount of landscaped area on the subject property.

The proposed driveway extension functions in contravention of the City's Development Design Guidelines for residential neighbourhoods, which provides guidelines for neighbourhoods character, design, and streetscapes among other elements. The requested variances result in limiting the amount landscaped area along the side lot line, which is intended to visually function as a break between hardscaped areas in order to frame the neighbourhood and reduce the impact of driveways on the streetscape. It is generally the desire of the City to balance driveways with landscaping to function as distinguished components of the streetscape, particularly with paired driveways. Furthermore, it is generally the desire of the City to maintain a driveway width that is parallel to the width of the garage.

The requested variance to permit a reduced parking space depth is not considered to be desirable due to the inability to meet future parking needs on site. The proposed parking space depth of 3.67 m will not allow for appropriate function of an extended driveway and vehicles will overhang on the City's right of way. The requested variances are generally not considered to maintain the general intent and

function of the subject property, adjacent properties, and the neighbourhood. The requested variances are not considered desirable and appropriate development of the land.

4. Minor in Nature

The requested variances are seeking relief from driveway width requirements, reduced parking depth and permeable landscaping requirements. The requested variances seek to increase the width of the driveway by 1.41 metres. reduce parking by 1.73 metres and eliminate permeable landscaping along the side lot line. The requested variances reduce the amount of available landscaped area in a manner that is considered undesirable for the subject property and facilitate additional vehicular parking. The requested variances are not considered minor in nature.

Respectfully Submitted,

*Marcia Razao*

Marcia Razao, Planning Technician

## Appendix A

