



Report Committee of Adjustment

Filing Date: November 6, 2024

Hearing Date: December 10, 2024

File: A-2024-0425

**Owner/
Applicant:** LOVEPREET BHULLAR & GARNEET KAUR

Address: 74 Traverston Court

Ward: WARD 2

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0344 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Semi- Detached (R2A(2))', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the parking of an oversized motor vehicle (2023 Mercedes-Benz Sprinter 2500 WB 170 Cargo) having a length of 6.97 metres (22.86 feet) and a height of 2.88 metres (9.44 feet) on a residential driveway, whereas the by-law does not permit the parking of an oversized motor vehicle.

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 'Medium Density Residential' in the Snelgrove- Heartlake Secondary Plan (Area 1). 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. Section 4.2.7 of the City of Brampton Official Plan aims 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. Staff are of the opinion that with a front yard width of a little over 9 metres (29.53 feet), the parking of the proposed large vehicle can dominate a portion of the lot. The requested variance 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 the parking of an oversized motor vehicle (2023 Mercedes-Benz Sprinter 2500 WB 170 Cargo) having a length of 6.97 metres (22.86 feet) and a height of 2.88 metres (9.44 feet) on a residential driveway, whereas the by-law does not permit the parking of an oversized motor vehicle. The intent of the By-law is to restrict the parking or storage of oversized vehicles on residential properties, except when the vehicle is actively used to provide a service or make a delivery. The applicant has identified the vehicle as a service vehicle for work purposes. Additionally, the By-law aims to protect residents by preventing large vehicles from obstructing roadways in residential areas, which can interfere with pedestrian access and create safety hazards.

The Zoning By-law defines an oversized motor vehicle as any motor vehicle having a height greater than 2.6 metres or overall length greater than 6.7 metres or combination of both. External attachments to the vehicle are included in the measurement of height and length. The intent of Section 6.31 of the Zoning By-law, which regulates the parking of oversized motor vehicles, is to maintain the character, safety, and functionality of residential and non-residential areas by controlling where and when such vehicles can be parked or stored. The by-law also seeks to balance the functional requirements of oversized vehicles with the need to preserve neighborhood character and prevent excessive use of public space for private vehicle storage.

Comparisons have been made between oversized motor vehicles and recreational trailers within the City. The City regulates the outdoor storage of trailers and recreational vehicles to uphold community standards and aligned with established design guidelines.

The Zoning By-law permits trailers and recreational vehicles to be stored on residential properties, subject to size, location, and storage regulations. Section 10.6.1 specifies allowable vehicle types and dimensions for storage in interior side or rear yards.

Recreational trailers may be parked in the front or exterior side yard, provided they are on the driveway, do not obstruct visibility, and do not encroach on sidewalks or curbs. Permitted trailers cannot exceed 5 meters (16.4 feet) in length and 1.8 meters (5.9 feet) in height. Larger recreational trailers, up to 7 meters (22.97 feet) in length and 3 meters (9.84 feet) in height, may be parked on the driveway for up to 72 consecutive hours, twice per calendar month, to allow for loading before outings.

According to the Site Survey that was provided by the applicant, there is about 7 metres (22.9 feet) from the end of the garage to the property lot line in the front of the property, leaving only 0.03 metres (0.01 feet) remaining in the length of the portion of the driveway within the property boundaries. As this vehicle will be kept on the property to assist with commercial purposes and has dimensions that are larger than those set out for recreational vehicles that can be kept in a front yard or exterior side yard, the requested variance does not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is being sought to permit the parking of an oversized motor vehicle which has a length of 6.97 metres (22.86 feet) and a height of 2.88 metres (9.44 feet) on a residential driveway. While additional variances are not requested to increase the size of the driveway, the requested variance is one that raises some safety concerns for community members. The existing provisions preclude the option for large recreational trailers to be parked in the front or exterior side yard. There are some exceptions which would permit the parking of utility vehicles to the interior side yard or rear yard.

In March 2022, the City reviewed several minor variance requests proposing that enclosed utility trailers be treated similarly to recreational vehicle trailers. Utility trailers were defined as those commonly used for business purposes, goods movement, or storage. A group of individuals advocated for allowing large, enclosed utility trailers to be parked on residential driveways. However, City staff raised concerns about amending the Comprehensive Zoning By-law, noting that the community might not support such changes due to the potential negative impacts on neighborhood aesthetics.

After engaging with residents and completing an online survey by community members, it was concluded that Council would not move forward with a City-initiated amendment to the Comprehensive Zoning By-law. Major concerns that were identified by citizens included the impact in overall appearance of the street and the difficulty in observing, when exiting driveways. By permitting this use on a residential driveway, it will alter the way in which these spaces are utilized and will have negative implications on the streetscape within the neighbourhood.

According to the survey submitted with the application, the driveway is approximately 7 metres (22.9 feet) from the end of the garage to the property lot line long. Parking a vehicle measuring 6.97 meters (22.86 feet) in length on this driveway would often result in encroachment onto the City's right-of-way. The requested variance is not considered appropriate for the development of the land.

4. Minor in Nature

The requested variance is being sought to permit the parking of an oversized vehicle on a residential driveway. This variance is viewed by City Staff as one that will significantly impact the utilization of driveways within neighbourhoods and consideration must be given to community safety, as this is a large vehicle that will have to get in and out of a parking space and onto a street which is only 15 metres (49.21 feet) in width. There can be an increased possibility of car accidents on the residential street, due to the visual limitations of a driver. Furthermore, the parking of a commercial vehicle is considered to detract from the residential aesthetics of the neighbourhood. The requested variance is not considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid, with the first letters of "Ellis" and "Lewis" being capitalized and prominent.

Ellis Lewis, Planner I

Appendix A:

