



Report Committee of Adjustment

Filing Date: November 18, 2024

Hearing Date: December 10, 2024

File: A-2024-0429

**Owner/
Applicant:** KEVIN MICHAEL & CHRISTINE MICHAEL
SNS Design and Build c/o Sarah Mahdi

Address: 4 Alderway Avenue

Ward: WARD 3

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0429 be refused.

Background:

The property owner previously submitted Minor Variance Application A-2024-0041, which was first heard and deferred at the March 19, 2024, Committee of Adjustment hearing and later refused at the May 21, 2024, hearing. The original application sought a variance to permit only two parking spaces, whereas the Zoning By-law requires a minimum of three parking spaces for a three-unit dwelling.

Staff recommended deferral due to identified Ontario Building Code compliance issues with the proposed entrance to the second Additional Residential Unit. Staff also did not support the parking reduction or the use of a portion of the driveway located outside the property boundaries.

The owner subsequently revised the application to include three variances to facilitate the creation of a second Additional Residential Unit. The revised proposal included constructing an exterior stairway to a below-grade entrance in the required front yard, associated setback reductions, and an increased driveway width to accommodate a third parking space. The proposal included a request to increase the maximum driveway width to 8.1 meters (26.57 feet) to accommodate three cars, in accordance with the parking space dimensions outlined in Section 10.16.h of the Zoning By-law. The Committee reviewed the revised proposal and considered the correspondences and delegations by community members. The Committee ultimately decided to refuse Application A-2024-0041.

The property owner has submitted a new Minor Variance application A-2024-0429 requesting to only widen the driveway from 6.71 metres (22.01 feet) to 8.1 metres (26.57 feet). The driveway widening seeks to facilitate the creation of two additional residential units. The subject dwelling has an existing above grade entrance at the rear of the property that would lead to an ARU and construction is underway for a second separate below -grade entrance leading to the second ARU.

Existing Zoning:

The property is zoned 'Residential Single Detached (R1B)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 8.1 metres (26.57 feet), whereas the by-law permits a maximum driveway width of 6.71 metres (22.01 feet).

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 Secondary Plan (Area 6).

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 requested variance is being sought to assist in facilitating the extension of a driveway which will be greater than what is permitted, as per the Zoning By-law. Section 4.2.1.14 of the Official Plan provides policies that speak to the development of residential land. In accordance with the Development Design Guidelines, the City of Brampton recognizes that garage placement and driveway design are key elements of design for residential areas. The guidelines also state that "the impact of garages and driveways should be minimized", and that the architectural features of the home and landscaping should be one of the distinguishing components of the streetscape.

In addition, policies listed in the "Residential Design" section of Official Plan Policy (Section 4.2.7) speak to avoiding the excessive parking of vehicles on driveways in the front yard and to promote a realistic driveway design that is complementary to the house and the lot size. The driveway design for the subject land can allow excessive parking in the front yard and is not considered to be a supportive design in relation to the house and lot size. The existing driveway accommodates two legal parking spaces in accordance to zoning requirements but the full extent of the driveway can accommodate approximately up to four vehicles with two parked within the City's right of way. The variance would

increase the width of the driveway resulting in a third legal parking space within the boundaries of the property and another parking space within the City's right of way. 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 a driveway width of 8.1 metres (26.57 feet), whereas the by-law permits a maximum driveway width of 6.71 metres (22.01 feet). The intent of the Zoning By-law in regulating driveway width is to balance parking needs with aesthetic and functional concerns by ensuring that driveways and the vehicles parked on them do not dominate the streetscape, and by permitting water infiltration through landscaping.

The proposal for the driveway is to have the southern portion widened, forming a total driveway width of 8.1 metres (26.57 feet), which would be 1.39 metres (4.56 feet) greater than what is permitted. The expanded driveway would initiate the removal of front yard landscaping, constructing a space which would allow for additional vehicles to be parked across the driveway. As per Section 10.9.1.f of the General Provisions for Residential Zones, the maximum driveway width for driveways on the flankage lot line is currently set to 6.71 metres (22.01 feet), or the width of the garage, whichever is greater. Due to the subject property's sitting at the northeast corner of Alderway Avenue and Greystone Crescent, there is additional emphasis on maintaining streetscape features in the neighbourhood on a corner lot property. The variance would result in a driveway which is substantially larger and accommodates what is considered an excessive number of parked vehicles. 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

Variance 1 speaks to permitting an existing driveway width that is larger than the 6.71 metres (22.01 feet) that is currently permitted, as per the Zoning By-law. The variance is requested as the proposed driveway will accommodate the parking of three vehicles, which would meet requirements set out in the General Provisions when a property has two ARU's. The applicant has two separate entrances in the rear yard or the property leading to the basement, as they plan to have two additional residential units on the property.

The City of Brampton undertook a Policy Review to amend the Additional Residential Unit (ARU) policies in the Official Plan and Zoning By-law, to conform to Bill 23, which received Royal Assent on November 28th, 2022. The amendments were adopted on May 3rd, 2023 and are in effect. The General Provisions for all ARUs provides guidelines for parking on properties, where more than one residential dwelling is allocated. There is a requirement to have one additional parking space on lots having two ARUs. No additional parking space is required when only a second unit or a garden suite is proposed. There would be no need for an extra parking space if only two units were being proposed on this property, as this driveway would be wide enough to support the parking of two vehicles.

With an existing driveway width that is just under 22 feet (6.71 metres), there is currently enough room for two parking spaces and a walkway leading to the entrance of the house. As per Section 10.16(h)(i), each parking space of a residential lot containing more than one ARU shall be not less than 2.6 metres (8.53 feet) in width and 5.4 metres (17.7 feet) in length. Staff are not in support of permitting the

driveway extension, as it will accommodate the parking of an additional vehicle within the property boundaries, while reducing the front yard landscaping. The widened driveway can result in additional forms of hardscaping which may limit drainage on the property.

The intent of the Mature Neighbourhood policies is to maintain the aesthetic and character, even in areas where specific driveway regulations may not be outlined beyond the standard Zoning requirements. Although the Mature Neighbourhood policies do not address driveway width, the subject property is located in an area that Council deems to have special characteristics warranting consideration.

Furthermore, the Committee of Adjustment previously rendered a decision on the variance pertaining to an increase driveway width following two hearings involving community delegations on the matter. The requested variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance seeks to widen the driveway to accommodate an additional parking space in the front yard of the dwelling. The property owner is seeking approval for two additional residential units, and the third parking space within the parcel boundaries is necessary to support the approval of these additional housing units.

Prior to the May 21st, 2024 Committee of Adjustment meeting, a Minor Variance application was submitted to permit a below-grade entrance and stairway, along with a request to widen the driveway to the same dimensions. The application was rejected by the Committee, and the applicant was reminded that the driveway expansion figures had already been deemed unacceptable earlier in the year.

The addition of the third parking space could impact the character of the mature neighborhood and its landscape. The expanded driveway would increase hardscaping around the front entrance and potentially harm the mature tree in the front yard. As such, the requested variance is not considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A:

