



Report Committee of Adjustment

Filing Date: October 16, 2024
Hearing Date: December 10, 2024

File: A-2024-0399

**Owner/
Applicant:** FARHAN TAHIR & FARHAN AMBER

Address: 244 Morningmist Street

Ward: WARD 9

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0399 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached A – Special Section 762 (R2A-762)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 5.69 metres (18.66 feet), whereas the by-law permits a maximum width of 4.9 metres (16.07 feet).

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 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2). 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.

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.

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 the front yard driveways and promote driveway design that is complementary to the house and the lot size. The driveway design for the subject land is capable of allowing excessive parking in the front yard on the driveway and is not considered to be a realistic design relative to the house and lot size. The requested variance is considered to have substantial impacts within the context of the Official Plan policies and 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

The variance that is requested aims to permit a driveway width of 5.69 metres (18.66 feet), whereas the by-law permits a maximum width of 4.9 metres (16.07 feet). 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 amount of vehicles in front of the dwelling.

As per Zoning Section 10.9.1.a, the by-law requires a minimum of two parking spaces on a residential property. The size of the parking space in the garage has been reduced, as there is an existing staircase and below grade entrance, leading to a basement unit in the garage. Zoning Section 6.17.1. a speaks to the 2.7 metres (8.86 feet) minimum parking space width. As the regulated parking space width can no longer be met in the garage, the owner of the home is proposing to have two parking spaces located in the front yard of the property. Two adjacent parking spaces would be a total of 5.4 metres (17.72 feet), leaving 0.29 metres (0.95 feet) as the path of travel to the dwelling. Furthermore, one vehicle cannot park behind another vehicle legally on the property, as the distance from the front of the home to the property line is 6.59 metres (21.62 feet) in length. According to the City's parking space requirements, the length of one parking space is 5.4 metres (17.7 feet), eliminating the ability to park

one automobile behind another automobile. 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 speaks to permitting an existing driveway width that is larger than the 4.9 metres (16.07 feet) that is currently permitted, as per the Zoning By-law. As the size of the parking space in the garage has been reduced, due to the construction of an existing below grade entrance and concrete stairway, the owner of the home is seeking to permit two parking spaces in the front of the home. The existing driveway was widened, allowing for a total driveway width which would be 0.79 metres (2.59 feet) more than what is permitted. The 5.69 metre (18.66 feet) width would cover the entirety of the driveway and the path leading to the front entrance, limiting ability for residents to enter the home. The requested variance is not considered appropriate for the development of the land.

4. Minor in Nature

The variance being requested would accommodate an extended driveway which would facilitate the parking of additional vehicles in front yard of the dwelling. The variance request was submitted as a result of the reduced size of the parking space in the garage of the subject property. The parking space in the garage would no longer meet the parking space requirement that is set to 5.4 metres x 2.7 metres. The driveway extension would provide enough space for the parking of two vehicles in the front yard but will limit the ability for residents to enter the semi-detached home. The requested variance is not considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

