



Report Committee of Adjustment

Filing Date: July 17, 2024
Hearing Date: January 28, 2025

File: A-2024-0275

**Owner/
Applicant:** Major Singh and Kuldip Kaur Pooni
Urban Building Designs c/o Ravinder Singh

Address: 14 Keeleview Crescent

Ward: 9

Contact: Megan Fernandes, Planner I

Recommendations:

That application A-2024-0275 is supportable in part, subject to the following conditions being imposed:

1. That the extent of the variances 3 and 4 be limited to that shown on the sketch attached to the Notice of Decision;
 2. That variance 1, 2 and 3 be refused;
 3. That drainage on adjacent properties should not be adversely affected;
 4. That the Owner/Applicant pay the Minor Variance planning Review fee of \$660.00 to the Toronto and Region Conservation Authority;
 5. That the Owner/Applicant obtain a Toronto and Region Conservation Authority permit pursuant to Ontario Regulation 41/24 for the proposed works;
 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:

This application was initially presented to Committee at the November 12, 2024. At the time of the submission of the application, the following variances were contemplated:

1. To permit 0.00 metres of permeable landscaping abutting the West side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line;
2. To permit 0.30 metres of permeable landscaping abutting the East side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line;
3. To permit a driveway width of 8.50 metres, whereas the by-law permits a maximum driveway width of 7.0 metres;
4. To permit an existing accessory building (pergola) in the rear yard having a maximum gross floor area of 47.4 square metres, whereas the by-law permits a maximum combined gross floor area of 20 square metres for accessory buildings, with any individual accessory building not exceeding 15 square metres on a lot in all other residential zones; and
5. To permit an existing accessory building (pergola) in the rear yard having a maximum height of 3.04 metres, whereas the by-law permits a maximum building height of any accessory building to be 3.0 metres in all other residential zones.

At the time staff recommended a refusal of variances 1 to 3 for the application. The revised application presented to Committee includes a minor reduction to the driveway width, which includes a 0.46m reinstatement of permeable landscaping along the east and west side lot line.

Existing Zoning:

The property is zoned 'Residential Single Detached C - Special Section 1256 (R1C-1256)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit 0.46 metres of permeable landscaping abutting the West side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line;
2. To permit 0.46 metres of permeable landscaping abutting the East side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line;
3. To permit a driveway width of 8.34 metres, whereas the by-law permits a maximum driveway width of 7.0 metres;
4. To permit an existing accessory building (pergola) in the rear yard having a maximum gross floor area of 47.4 square metres, whereas the by-law permits a maximum combined gross floor area of 20 square metres for accessory buildings, with any individual accessory building not exceeding 15 square metres on a lot in all other residential zones; and
5. To permit an existing accessory building (pergola) in the rear yard having a maximum height of 3.04 metres, whereas the by-law permits a maximum building height of any accessory building to be 3.0 metres in all other residential zones.

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. Within the 2006 Official Plan, the subject property is designated as 'Residential' and 'Low Density Residential' in the Springdale Secondary Plan (Area 2). Variances 3 and 4 are not considered to have significant impacts within the context of the Official Plan.

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 excessive parking on the driveway. Variances 1, 2 and 3 do not maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Residential Single Detached C - Special Section 1256 (R1C-1256)', according to By-law 270-2004, as amended.

Variance 1 is to permit 0.46 metres of permeable landscaping abutting the West side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line and Variance 2 is requested to permit 0.46 metres of permeable landscaping abutting the East 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 3 is requested to permit a driveway width of 8.34 metres, whereas the by-law permits a maximum driveway width of 7.0 metre. 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 3 represents an increase of the permitted driveway width by 1.34m while variances 1 and 2 propose a 0.46m permeable landscape strip along the east and west 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. Cumulatively, the hardscaping on the property creates an abundance of hard surfacing throughout the property which can potentially lead to drainage issues. In particular, staff have concern that with the existing interlock area in front of the entrance which provides suffice space for an additional vehicle to be parked in the area. The requested variances are not considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an existing accessory building (pergola) in the rear yard having a maximum gross floor area of 47.4 square metres, whereas the by-law permits a maximum combined gross floor area of 20 square metres for accessory buildings, with any individual accessory building not exceeding 15 square metres on a lot in all other residential zones. The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure is to ensure that the property is not dominated by structures and that they do not negatively impact the provision of outdoor amenity space or adjacent properties. The accessory structure is intended to enhance the outdoor amenity space in the rear yard and to provide for some storage space. Given the size of the property, the accessory structure is not considered to negatively impact the provision of outdoor amenity space for the property. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit an existing accessory building (pergola) in the rear yard having a maximum height of 3.04 metres, whereas the by-law permits a maximum building height of any accessory building to be 3.0 metres in all other residential zones. The intent of the by-law in regulating the permitted height of an accessory structure is to ensure that the structure does not have negative massing impacts on adjacent properties. The variance is a seeking an additional 0.04m for the accessory structure which is not anticipated to have negative massing impacts. The location of the structure relative to the property and surrounding site context ensures that the increase in height will not generate adverse impacts as it maintains minimum setbacks. The variance does not cause any adverse impacts related to privacy and shadowing and is therefore considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances 4 and 5 to facilitate an existing pergola located in the rear yard of the property. The subject property is located on a large lot that has sufficient separation between adjacent properties. Given the size of the lot and rear yard, the overall size of the pergola is not anticipated to cause negative visual impacts or limit the overall provision of amenity space. It is noted that the accessory structure will maintain minimum setback requirements. Subject to the recommended conditions of approval, the variances are deemed desirable for the appropriate development of the land.

The subject property is located within an established low 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 variances 1, 2 and 3 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 subject lands are located within a residential area with average lot sizes. Considering the size and conditions of the property, the existing accessory structure is not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structure in relation to the surrounding land context does not generate privacy or shadowing impacts. The cabana enhances the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

The variances to allow an existing driveway width contributes to an increased driveway area that facilitates the parking of an additional vehicle in the front of the dwellings main entrance. The reduction of permeable landscaped area along the southeastern property line may result in drainage impacts and contributes to a sense that the property is dominated by hard landscaping. Cumulatively, the impact of the variances result in a substantial loss of soft landscaping which staff do not consider to be minor in nature. The requested variances 1, 2 and 3 are not deemed minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planner I

Appendix A – Site Visit Photos

