



Report Committee of Adjustment

Filing Date: October 23, 2024

Hearing Date: March 25, 2025

File: A-2024-0407

Owner: Alpana Hetalkumar Patel, Hetalkumar Satishchandra Patel

Applicant: Amitha D

Address: 16 Degrey Drive

Ward: Ward 8

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0407 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached Special Section 2153 (R1E-SS 2153)', according to By-law 270-2004, as amended. Staff also note this property is located within a mature neighbourhood.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 9.17 metres, whereas the by-law permits a maximum driveway width of 7.32 metres;

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 'Special Policy Area 3A Upscale Executive Housing Area' in Bram East Secondary Plan (Area 41).

Section 4.2 of the Official Plan provides policies on Residential development. In particular, section 4.2.1.14 (iii) requires driveway design to relate to lot width and be sized accordingly to function as a driveway surface leading to a garage. When a garage is provided, it is considered to assist in providing the required number of parking spaces for the property and the driveway is the logical means to get to the garage. The design of the driveway should be sized and configured accordingly and not in a manner so as to be the primary parking space(s). In addition, the objective of Residential Design Official Plan Policy 4.2.7 is 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. The driveway design for this property 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 variances reflect the current site conditions of the property and the application, as presented is intended to legalize the site conditions. The objective of the Residential Design Official Plan Policy 4.2.7 is to avoid excessive parking of vehicles in the front yard on the driveway and to promote a realistic driveway design that is complementary to the house and lot size. The existing driveway conditions are capable of allowing excessive parking in the front of the property as seen by Staff during the site visit. The owner as noted by Staff is using the current driveway configuration to enable the addition of vehicle parking on the apron of the driveway. This as seen in the attached site visit photographs results in the overhang of vehicles onto the roadway. These conditions do not align with Policy 4.2.7 of the Official Plan and establishes negative impact to the surrounding neighbourhood due to interference with the flow of traffic. Therefore, the requested variances are considered not to 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 Special Section 2153 (R1E-SS 2153)', according to By-law 270-2004, as amended.

The variance seeks to permit a maximum driveway width of 9.17 metres, whereas the by-law permits a maximum driveway width of 7.32 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 limit an excessive number of vehicles that can be parked in front of the dwelling. With the removal of the landscaping, staff noticed that there is a substantial amount of hardscaping in the front yard that is considered to be excessive.

As per the staff site visit, Staff are of the opinion that the current layout of the lot does allow an excessive number of cars to be parked in front of the dwelling. Staff do not support the requested Variance due to concerns relating to the ability to park excessive vehicles with the current conditions. Therefore, Staff recommend the refusal of the requested Variance as it is not considered to maintain the general purpose of the Zoning By-Law.

3. Desirable for the Appropriate Development of the Land

The Variance is requested to permit an existing driveway width of 9.17 metres. The existing site configuration is not supportable due to the expansive use of hardscaping on the front yard and lack of permeable materials which may impact adequate drainage on site. These conditions facilitate the ability for the maneuvering and parking of additional vehicles directly in front of the front porch. This facilitation of parking blocks access to the front of the dwelling and could hinder emergency services from accessing the dwelling. Staff have included images below in the site visit photographs to demonstrate staff's noted concerns. Therefore, Staff recommend the refusal of the requested variance as it is not desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to permit a maximum driveway width of 9.17 metres, whereas the by-law permits a maximum driveway width of 7.32 metres is to permit existing site conditions. These conditions demonstrate that the increased driveway width facilitates the parking of additional vehicles in front of the main entrance of the dwelling and contributes to a sense that the property is dominated by hardscaping. Therefore, Staff consider it not to be minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

