



Report Committee of Adjustment

Filing Date: June 10, 2024
Hearing Date: May 27, 2025
File: A-2024-0215
**Owner/
Applicant:** Swaran Singh
Pavneet Kaur
Address: 4 Maple Avenue
Ward: WARD 1
Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0215 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the revised sketch attached to the Notice of Decision;
 2. The owner shall obtain a building permit, within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 3. A minimum 1m offset is required from the driveway edge to the existing City street tree. Any widening is to taper around the existing street tree.
 4. Applicant to contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval.
 5. That the owner enter into an encroachment agreement with the City prior to any works on the site;
 6. That drainage on adjacent properties shall not be adversely affected; and
 7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant is seeking to permit several existing site conditions related to driveway width, rear yard parking, and structures currently on the property. Staff note that some modifications to these conditions have been proposed and are reflected in the revised drawings submitted after the public notice was issued. These changes have impacted the original variance requests, and the updated list of requested variances is provided below. Staff's recommendations are based on this revised set of variances.

Upon reviewing the application, staff identified concerns with the variances related to the driveway and rear yard parking. Specifically, the existing driveway configuration encroaches onto a portion of the adjacent property owned by the City of Brampton. As such, staff are recommending a condition requiring the owner to enter into parking and access encroachment agreements with the City. It is noted that the applicant has already initiated this process, and the draft encroachment agreement is currently being circulated for review by the relevant City departments.

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit a combined gross floor area of 20.44 square metres (220 square feet) for two (2) accessory structures (existing sheds), whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures;
2. To permit a driveway width of 7.2 metres (23.7 feet), whereas the by-law permits a maximum driveway width of 7.0 metres; and
3. To permit the rear yard to be paved for the purpose of parking motor vehicles whereas the by-law does not permit the rear yard to be paved for the purpose of parking motor vehicles except on a driveway that leads to a detached garage.

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 'Mixed Use' (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 'Central Area' in the Official Plan and 'Central Area Mixed' in the Downtown Brampton Secondary Plan (Area 7). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan and 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 (R1B)', according to By-law 270-2004, as amended. Staff also note this property is located within a mature neighbourhood.

Variance 1 is requested to permit a combined gross floor area of 20.44 square metres for 2 accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for 2 accessory structures. The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure and the combined gross floor area for accessory structures is to ensure that the property is not dominated by the structure and that the size of the structures do not negatively impact the provision of outdoor amenity space for the property.

The existing accessory structures are intended to enhance the provision of outdoor amenity space in the rear yard, and to provide space for enclosed storage. While the applicant is requesting a combined gross floor area for accessory structures that is 20.44 sq. m, which is greater than what the by-law permits, the design and nature of the accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the size of the property, the accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property. Furthermore, the structures are proposed to be relocated to comply with other zoning requirements.

Variance 2 and 3 requests to permit a driveway width of 7.2 metres (23.7 feet), and to permit the rear yard to be paved for the purpose of parking. The intent of the by-law in regulating the maximum permitted driveway width, and rear yard parking is to ensure that the property is not dominated by hardscaping. Additionally, it is to ensure that the number of vehicles able to park is limited while also providing sufficient space provided for drainage, limiting the impact on neighbouring properties. As per the staff site visit, Staff are of the opinion that with the proposed reinstatement of permeable landscaping to the East of the dwelling, the proposed layout will not allow an excessive number of cars to be parked in front of the dwelling. Given Staff's recommendations to enter into an encroachment agreement the variances facilitate the appropriate access to the driveway to the South of the dwelling and is currently being reviewed by the appropriate internal departments. Therefore, subject to the recommended conditions of approval the Variances maintain the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a combined gross floor area of 20.44 square metres for 2 accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for 2 accessory structures. The structures subject to the variances currently exist on the property and will be relocated to support the primary residential use, without negatively impacting the functionality or use of the outdoor amenity space.

Variance 2 and 3 requests to permit a driveway width of 7.2 metres (23.7 feet), and to permit the rear yard to be paved for the purpose of parking. Given the configuration of the driveway and Staff's recommendations relating to an encroachment agreement, it is not anticipated that there would be sufficient space for additional vehicles to park in front of the main entrance of the dwelling. Subject to the recommended conditions of approval, the Variances are desirable for the appropriate development of the land.

4. Minor in Nature

The Variances are requested to permit a driveway width of 7.2 metres (23.7 feet), to permit the rear yard to be paved for the purpose of parking, and to permit a combined gross floor area of 20.44 square metres (220 square feet) for two (2) accessory structures (existing sheds), whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures.

Given that the accessory structures located in the rear yard are currently screened by fencing that is adjacent to the lot lines, Staff are satisfied that the existing streetscape will not be negatively impacted. Considering the size and conditions of the property, the existing accessory structures are not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structures in relation to the surrounding land context does not generate privacy or shadowing impacts

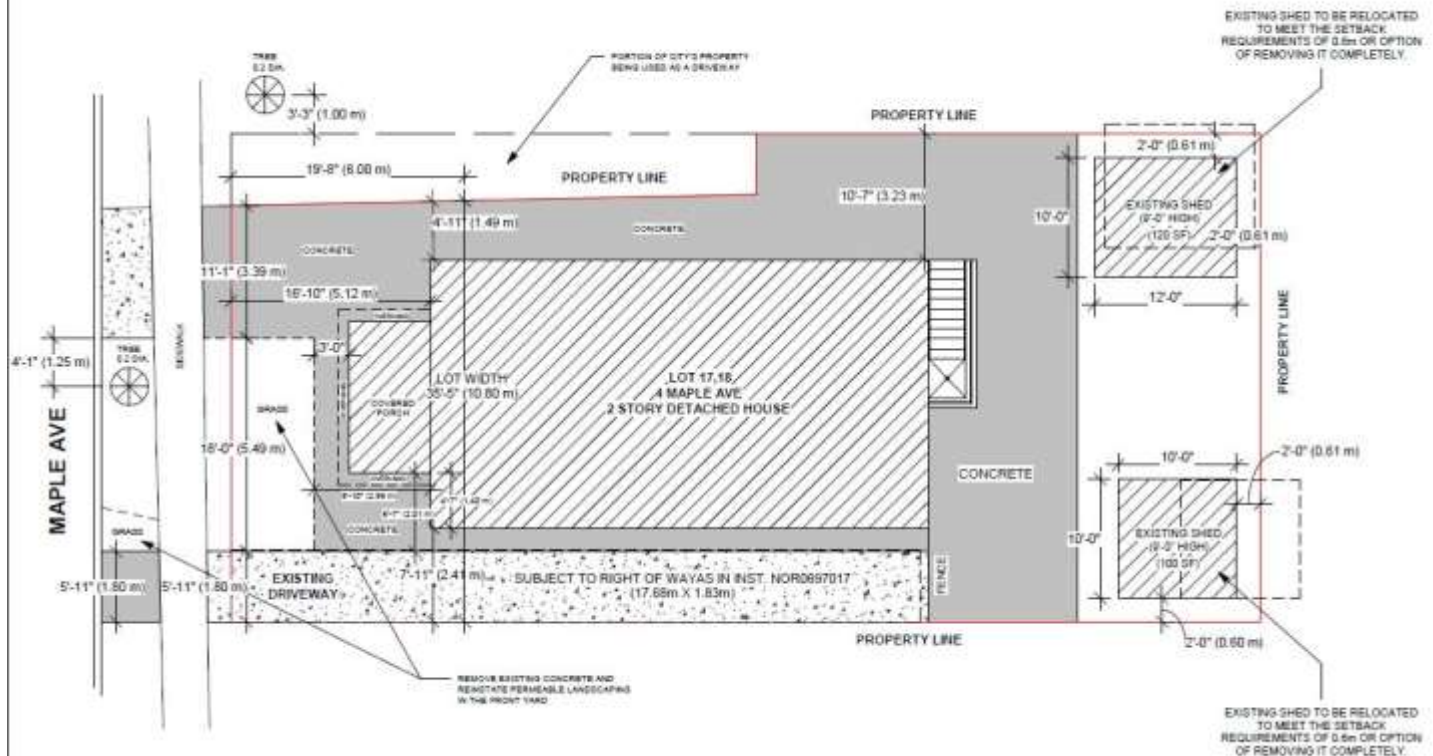
The widened driveway and rear yard parking is not anticipated to have negative impacts on drainage subject to Staff's recommendations relating to drainage and entering into an encroachment agreement with the City of Brampton. Subject to the recommended conditions of approval, all Variances are considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Revised Site Plan



Site Visit Photo

