



## Report Committee of Adjustment

**Filing Date:** 14-Apr-2021  
**Hearing Date:** 11-May-2021

**File:** A-2021-0095

**Owner/  
Applicant:** Sukhwinder Singh, Rajwinder Kaur and Didar Singh –Ravkirat Sandhu  
**Address:** 4 Meadowlark Dr

**Ward:** Ward 4

**Contact:** Daniel Watchorn, Planner III  
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### Recommendations:

That application A-2021-0095 is supportable, in part, subject to the following conditions being imposed:

1. That Variance 3 to permit a driveway width of 8.6 metres be refused;
2. That Variance 4 to permit 0.16m of permeable landscaping adjacent to the side lot line be refused;
3. That the driveway and permeable landscaping area be restored in compliance with the Zoning By-law within ninety (90) days of the date of the Committee's final decision;
4. That the above grade entrance shall not be used to access an unregistered second unit;
5. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
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:

#### Existing Zoning:

The property is zoned Residential Single Detached D – Section 2631 (R1D-2631), according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variances:

1. To permit a 0.9m interior side yard setback to an above grade entrance whereas the by-law requires a minimum side yard setback of 1.2m;
2. To permit a 0.65m interior side yard setback to a step leading to an above grade entrance whereas the by-law requires a minimum interior side yard setback of 0.9m to a step leading to an above grade entrance;
3. To permit a driveway width of 8.6m whereas the by-law permits a maximum driveway width of 6.71m;
4. To permit a permeable landscape strip of 0.16m along the side lot line whereas the by-law requires a minimum 0.6m permeable landscaping between the driveway and the side property line.

### **Current Situation:**

#### **1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the Official Plan and 'Low and Medium Density Residential' in the Fletcher's Creek South Secondary Plan (SPA 24). Variances 1 and 2 do not have significant impacts within the context of the Official Plan and Secondary Plan.

Variance 3 is requesting permission for a driveway with a maximum width of 8.6 metres, whereas the by-law permits a maximum width of 6.71m. Section 4.2.1.14 (iii) of the Official Plan requires driveway design to relate to lot width, and to be sized appropriately. Furthermore, Section 4.2.7 states that the excessive parking of vehicles in the front yard of ground-related units should be avoided. In this respect, Variance 3 does not meet the intent and purpose of the Official Plan, as it would permit 3 cars to be parked side-by-side in the front yard which would dominate the appearance of the lot.

Variance 4 is requesting permission for 0.16m of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum of 0.6m of permeable landscaping adjacent to the side lot line. Similar to Variance 3, a reduction of the 0.6m permeable landscaping would not meet the intent and purpose of the Official Plan, as it enables more vehicles to park in the residential driveway, and contributes to the driveway dominating the appearance of the dwelling, where it should be a of size that is in proportion with the size of the lot itself. Furthermore, this would inhibit stormwater drainage on-site by increasing the impervious area beyond appropriate levels for the size of the lot.

#### **2. Conforms to the Intent of the Zoning By-law**

Variance 1 is requesting permission for an above grade entrance that is setback 0.9m from the side lot line, whereas 1.2m is required. The intent of the By-law in requiring a minimum setback from the side lot line to an above grade entrance is to ensure that the path of travel to the rear yard is not inhibited, and to ensure privacy for the neighbouring dwelling. In this case, there is an unobstructed 1.2m setback on the other side of the dwelling for access to the rear yard. In terms of the neighbouring property, that dwelling has a similarly small setback to the shared side lot line, and therefore is not required as the main path of travel to the rear yard, and further provides limited opportunity for windows to be introduced along the side of the dwelling. As a result, the intent of the By-law is maintained.

Variance 2 is requesting permission for steps in the side yard leading to an above grade entrance to be located 0.65m from the side lot line, whereas 0.9m is required in the By-law. Similarly to Variance 1, the intent of the By-law in regulating a minimum side yard setback for steps leading to an above grade entrance is to ensure an unobstructed path of travel to the rear yard. In this case, the other side yard has an unobstructed 1.2m setback

to the dwelling that allows access to the rear yard. Furthermore, the proposed steps will not be large due to the close proximity of the door to the ground, and therefore will not pose as a significant obstruction to this side yard. As a result, the intent of the By-law is maintained.

The requested increase in driveway size in Variance 3 would not meet the intent of the Zoning By-law. The intent of regulating driveway sizes in the Zoning By-law is to ensure that driveways, and the potential parking of vehicles that driveways can accommodate, do not dominate the streetscape. In this case, the requested driveway width would be able to accommodate 3 vehicles to be parked side-by-side, which would fill a significant portion of the total width of the lot with driveway/vehicles.

For Variance 4, the intent of requiring a 0.6m strip of permeable landscaping along the side lot line is to ensure that drainage along the side lot line remains possible, and that driveways do not dominate the streetscape. By requesting 0.16m of permeable landscaping area, drainage will potentially be impacted, and the visual impact of the driveway on the streetscape will be exacerbated. As a result, the intent of the By-law is not maintained.

### 3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 will introduce another convenience entrance into the dwelling without significantly impacting the accessibility to the rear yard, or significantly impacting the privacy of the adjacent dwelling. As a result, these variances are considered to be desirable to the appropriate development of the land.

Variances 3 and 4 will negatively contribute to the aesthetic quality of the neighbourhood. A key urban design objective for residential neighbourhoods is the reduction of excessive parking of vehicles in the front yard, and to maintain driveway widths as being appropriately sized in accordance with the width of a lot. These two variances will enable the driveway to dominate the visual plane of the lot, and would potentially impact drainage on site. As a result, these variances are not desirable for the appropriate development of the land.

### 4. Minor in Nature

Variances 1 and 2 will have minimal negative impact on the subject lands and adjacent properties. Furthermore, the requested variances are nominally low, and no major functional issues will arise. Subject to the recommended conditions of approval, Variances 1 and 2 are minor in nature.

Variances 3 and 4 will have major impacts on the aesthetic integrity of the neighbourhood, and may cause drainage issues on-site. As a result, Variances 3 and 4 are not minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Daniel Watchorn', with a horizontal line drawn underneath it.

Daniel Watchorn, MCIP, RPP, Planner III