



Report Committee of Adjustment

Filing Date: September 12, 2022

Hearing Date: October 25, 2022

File: A-2022-0317

**Owner/
Applicant:** NARAYAN REGMI & PUNYA REGMI

Address: 275 SUNNY MEADOW BOULEVARD

Ward: WARD 9

Contact: Mohammed Jalabi, Assistant Development Planner

Recommendations:

That application A-2022-0317 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowance; and,
 3. 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 C (R1C)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing driveway width of 7.63m (25 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

2. To permit 0.0m of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line;
3. To permit a 0.94m (3.08 ft.) path of travel leading to a principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Springdale Secondary Plan (Area 2). The nature and extent of the proposed variances are considered to maintain the general intent and purpose of the official plan.

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

Variance 1 and 2 is requested to permit a driveway width of 7.63m (25 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.) and to permit 0.0m of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line. The intent of the by-law in regulating the maximum permitted driveway width and permeable landscaping is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow excessive number of vehicles to be parked in front of the dwelling and to maintain sufficient drainage.

The existing concrete driveway was widened on the east side to a total driveway width of 7.63m (25 ft.). Therefore, the existing driveway is 0.92m (3 ft.) wider than what the by-law permits. The increased width is not considered to significantly impact drainage or contribute to a substantial loss of landscaped lot on the property. The front of property still maintains a considerable amount landscaping. Furthermore, the existing conditions of the driveway are not out of character for the area and do not facilitate the parking of an excessive number of vehicles. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a 0.94m (3.08 ft.) path of travel leading to a principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance from a second unit. The intent of the by-law in requiring a minimum 1.2m (3.94 ft.) width between the front wall of the dwelling up to and including the door and a minimum path of travel is to ensure that there is sufficient area to act as the primary access to a second unit for both every day and emergency purposes.

An above grade side door was constructed on the northeastern side wall of the detached dwelling. The entrance was constructed prior to the current owner. The location of the entrance and path of travel width is considered sufficient for everyday and emergency purposes. Upon staff inspection it was noted that sufficient space is provided for access to the rear yard. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 and 2 is requested to allow an existing driveway width which exceeds the requirements of the Zoning By-law and the elimination of permeable landscaping along the side lot line. While the driveway does not maintain the full landscaping requirements of the Zoning By-law, the added width is not considered to facilitate the parking of an excessive number of vehicles or impact drainage. A condition of approval is recommended that the owner obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowance. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

Variance 3 is requested in order to permit a reduced path of travel leading to a principal entrance to a second unit. The variance is not considered to have negative impacts to the property or adjacent properties given that the 0.94m (3.08 ft.) area is considered sufficient for everyday and emergency purposes. The variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is to accommodate the existing site conditions for a widened driveway and reduced path of travel for a second entrance. The driveway is not considered to have any significant impacts to the property or adjacent properties, nor does the reduced path of travel lead to any concerns around access to the rear yard or drainage. The variances are considered minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner