



Report Committee of Adjustment

Filing Date: April 26, 2023
Hearing Date: June 20, 2023

File: A-2023-0113

**Owner/
Applicant:** OM JAKHU AND CHANDER KANTA JAKHU

Address: 18 Scarlett Drive

Ward: WARD 4

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0113 is supportable in part, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That Variance 1 to permit a driveway width of 9.18m (30 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24 ft.) be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix B) showcasing a proposed 8.49m (27.85 ft.) driveway width;
3. The Owner must 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 allowances;
4. The Owner is to remove the "as-built planter box" from the City's right-of-way;
5. The Owner is to reinstate the driveway in accordance with the revised site plan (Appendix B), depicting the original width and distance from the City's existing light pole as well as removing the as-built interlock pavers;

6. Prior to removing the concrete surrounding the City's light pole, the Owner shall contact the City's Street Lighting Department (Heather Morson, Heather.Morson@brampton.ca) to arrange for an inspection of the City light pole;
 7. Once the concrete surrounding the City's light pole has been removed, the City's Street Lighting Department shall inspect for any potential damages to the City's light pole. The Owner shall be responsible for paying any and all costs associated with repairing and or replacing the City's light pole;
 8. 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 Minor Variance application was deferred from the May 30, 2023 Committee of Adjustment hearing as the requirement for public notification was not met. The original variance requested to permit a driveway width of 10.37m (34.02 ft.) and a permeable landscape strip of 0.3m (0.98 ft.). City staff have discussed the proposal with the applicant and have requested that the driveway width be reduced. The application has therefore been revised to reflect a driveway width of 8.49m (27.85 ft.) and reinstates the landscaping area.

Existing Zoning:

The property is zoned 'Residential Single Detached C (R1C-2608)', according to By-law 270-2004, as amended.

Requested Variance:

The applicants are requesting the following variance:

1. To permit a driveway width of 9.18m (30 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24ft.).

Note: a revised site plan (Appendix B) has been submitted which depicts a reduced driveway width equating to 8.49m (27.85 ft.). Therefore, the requested variance is amended to permit a driveway width of 8.49m (27.85 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24ft.).

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Low and Medium Density Residential' in the Fletcher's Creek South Secondary Plan (Area 24). The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Residential Single Detached C,' Special Section 2608 (R1C-2608), according to By-law 270-2004, as amended.

The variance is requested to permit a driveway width of 9.18m (30 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24ft.). 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 that the driveway does not allow for an excessive number of vehicles to be parked in the front of the dwelling.

Staff recommend that the requested variance for a 9.18m (30 ft.) driveway width be refused, and that approval be based on the revised site plan provided by the applicant (Appendix B) showcasing a driveway width of 8.49m (27.85 ft.). As per the review of the revised site plan provided by the applicant (Appendix B), the existing driveway width is proposed to be reduced by adding permeable landscaping on both sides of the driveway. The revised driveway width would be 1.17m (3.84 ft.) wider than what the by-law permits. The western portion of the driveway was installed as a decorative extension (interlock pavers) to the existing driveway. As per the site visit (Appendix A), it appeared that the driveway extension was not used for the parking of vehicles but rather functioned as a dedicated walkway to the rear yard. Staff are of the opinion that the revised configuration of the driveway and restoration of permeable landscaping reduces the amount of hardscaping on site and does not allow an excessive number of cars to be parked in front of the dwelling. In addition to the property being located on a corner lot and the applicant reinstating landscaping, sufficient front yard landscaping area is maintained, and an unobstructed path of travel to the main entrance is provided. Therefore, Staff recommend that the variance be refused, and that approval be based on the revised site plan provided by the applicant (Appendix B) showcasing a proposed 8.49m (27.85 ft.) driveway width.

3. Desirable for the Appropriate Development of the Land

As depicted on the revised site plan, the applicant will reinstate permeable landscaping on either end of the driveway. The variance requesting a revised driveway width of 8.49m (27.85 ft.) will not result in additional vehicles from parking in front of the dwelling and would be considered appropriate relative to the size of the property. Staff do not anticipate any negative impacts to drainage as permeable landscaping will be reinstated and will not result in the property being dominated by hardscaping. Staff recommend a number of conditions which would have the effect of ensuring that the proposed site conditions are reinstated in accordance with the revised site plan. Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Given the revised driveway shape and configuration which connects to a walkway leading to the front entrance of the dwelling, the requested variance to permit an existing driveway width is not

considered to facilitate an excessive number of vehicles to be parked in front of the dwelling. The revised configuration of the driveway results in permeable landscaping being reinstated which is not anticipated to have negative impacts on drainage nor will the property be dominated by hardscaping. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

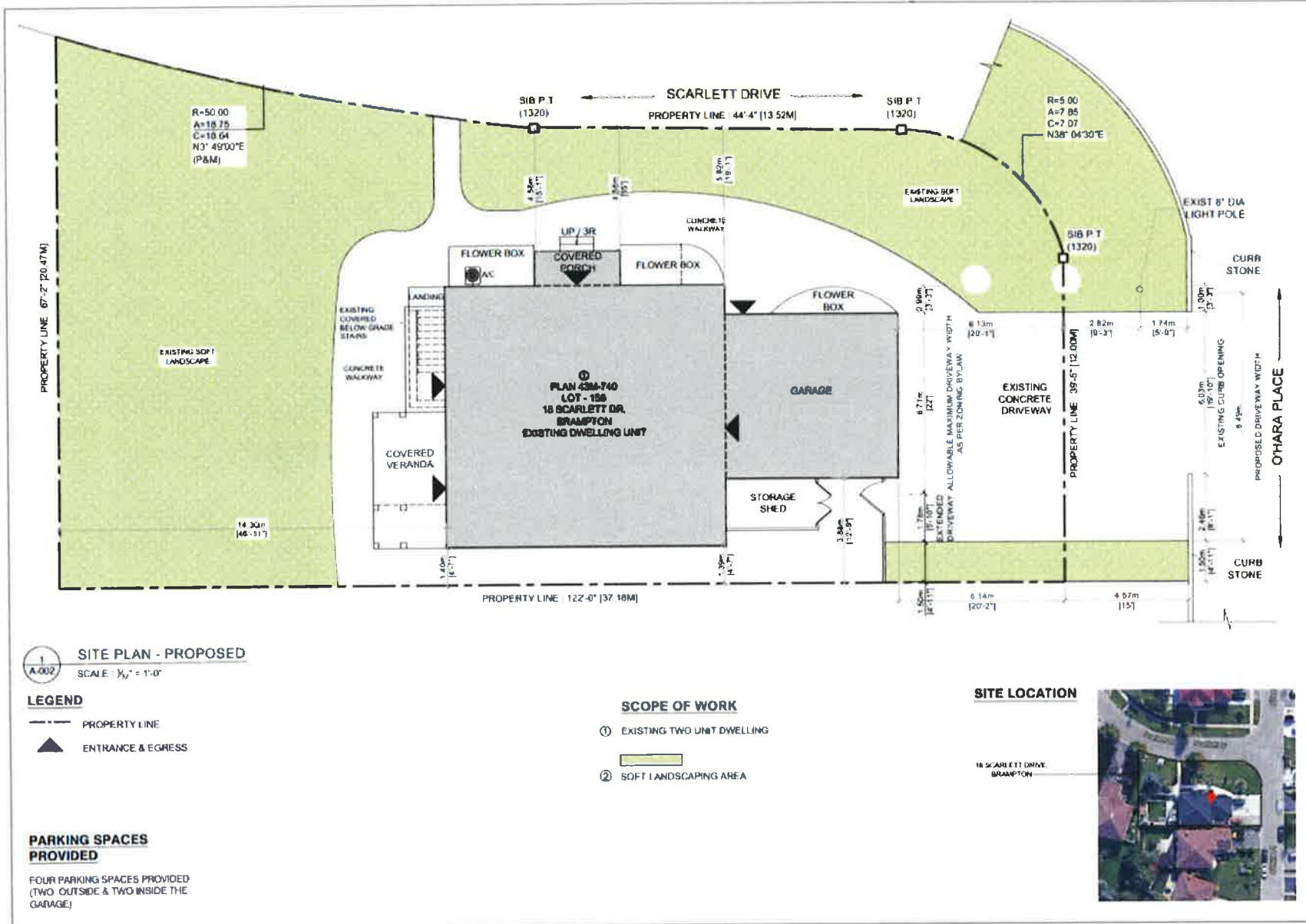
Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions





RELEASED FOR BUILDING PERMIT
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REV.	DATE	REVISION	BY

NO.	DATE	REVISION	BY

OWNER

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 SEAL



ALTERATIONS (DRIVEWAY)

18 SCARLETT DR, BRAMPTON

SITE PLAN - PROPOSED

SCALE: 1/32" = 1'-0"
 DATE: 2022-10-06
 PROJECT: 22-126
 DRAWING NO:

A-002

REVISION: 00