



Report Committee of Adjustment

Filing Date: July 25, 2023
Hearing Date: October 24, 2023

File: A-2023-0222

**Owner/
Applicant:** **SINGH KULWINDER**

Address: **4 Bristol Avenue**

Ward: WARD 5

Contact: Charles Ng, Planner I

Recommendations:

That application A-2023-0220 is supportable, 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 2 be refused.
 3. That the owner shall obtain a Road Occupancy Permit for the widening of the driveway within 60 days of the decision of approval;
 4. That the owner shall obtain a Driveway Permit to perform any cuts to the municipal curb, should cuts to the municipal curb be required, within 60 days of the decision of approval;
 5. That the owner shall obtain a Fill Permit, should fill be required, within 60 days of the decision of approval; and
 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:

The applicant has submitted a Minor Variance Application to seek relief from driveway width requirements and the addition of a second driveway for a residential property located on a corner lot in a low-density residential subdivision.

The submitted sketch illustrates a stairway leading to a below grade entrance in the front yard. Staff notes that on May 10, 2022, the Committee of Adjustment approved Minor Variance Application A-2022-0071 to permit a below grade entrance on the subject property. The below grade entrance has not yet been constructed.

Staff notes that this Minor Variance Application was presented to the Committee of Adjustment on August 22, 2023, whereby the applicant requested a deferral to the October 24, 2023 Committee of Adjustment hearing.

Staff notes that although the submitted Sketch shows the “front yard” as being the yard adjacent to Bristol Avenue, and the “side yard” as the yard adjacent to Norfolk Avenue, the definitions of the by-law considers the “front yard” to be Norfolk Avenue, and the “side yard” to be Bristol Avenue.

Existing Zoning:

The property is zoned ‘Residential Single Detached B (R1B)’, according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 8.6 metres (28.22 feet) on the flankage lot line, whereas the by-law permits a maximum driveway width of 6.71 metres (22 feet) on the flankage lot line.
2. To permit a combined driveway width of 11.6 metres (38.06 feet) whereas the by-law permits a maximum combined driveway width of 9.14 metres (30 feet).

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated ‘Residential’ in the Official Plan, and further designated ‘Low Density Residential’ in the Brampton Flowertown Secondary Plan (Area 6). The ‘Residential’ designation in the Official Plan permits residential uses as well as other complementary uses. The ‘Low Density Residential’ designation in the Secondary Plan permits low density residential uses characterized by single detached dwellings. The intent of the “Residential” and “Low Density Residential” designations are to ensure that land uses, building, structures, and the character of the subject property and area is maintained with respect to its planned intent, vision, and function.

Variance 1 is to permit a driveway width of 8.6 metres (28.22 feet) on the flankage lot line, whereas the by-law permits a maximum driveway width of 6.71 metres (22 feet) on the flankage lot line. Variance 1 is intended to support the widening of the existing driveway located in the side yard adjacent to Bristol Avenue. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Official Plan.

Variance 2 is to permit a combined driveway width of 11.6 metres (38.06 feet) whereas the by-law permits a maximum combined driveway width of 9.14 metres (30 feet). Variance 2 is intended to permit the construction of an additional driveway located in the front yard adjacent to Norfolk Avenue. The proposed additional driveway is in contravention to the City's Development Design Guidelines for residential lots in neighbourhoods which limits the number of driveway accesses to a residential property. Variance 2 is not considered to maintain the intent and purpose of the Official Plan.

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

Variance 1 is to permit a driveway width of 8.6 metres (28.22 feet) on the flankage lot line, whereas the by-law permits a maximum driveway width of 6.71 metres (22 feet) on the flankage lot line. The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not significantly encroach into the abutting yard's landscaped area, and that the driveway does not allow for an excessive number of vehicles to be parked on the subject property. The proposed increase of driveway width by 1.89 metres (6.20 feet) maintains an appropriate amount of landscaped area relative to the size of the property and is not anticipated to significantly increase parking on the subject property in a manner that is considered excessive. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is to permit a combined driveway width of 11.6 metres (38.06 feet) whereas the by-law permits a maximum combined driveway width of 9.14 metres (30 feet). This includes the construction of an additional second driveway on the subject property located in the front yard. The by-law does not permit a second standalone driveway in accordance with the City's Development Design Guidelines for residential lots to ensure safety and a certain character is maintained. The Development Design Guidelines for residential lots speaks to the location of driveways and how they should be located, particularly with corner lots such as this property. It is generally the desire of the City to limit the width and frequency of curb cuts in residential neighbourhoods to minimize the impact of driveways on residential streetscapes. Driveways should generally be located away from the street corner and limited to one driveway access per residential lot. The proposed additional driveway is anticipated to interrupt and affect the character of the lot and intended function and design of the neighbourhood. Furthermore, the City's Traffic Services Department have noted concerns regarding safety with the proposed additional driveway. Variance 2 is not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The subject property currently features an attached garage and associated driveway located in the side yard adjacent to Bristol Avenue. This driveway is located along the wall of the building that features the main entrance. The proposed variance to extend this driveway from 6.71 metres (22 feet) to 8.6 metres (28.22 feet) is generally considered appropriate development of the land as the width is

not anticipated to significantly reduce the amount of permeable landscaping at the front of the property

The proposed additional driveway is located in the front yard adjacent to Norfolk Avenue and would generally function in contravention to the City's Development Design Guidelines and generate safety concerns. This includes the disruption of the neighbourhood character due to the impact of the driveway on the streetscape; the compromised framing of the neighbourhood and views as the subject property is a corner lot; the overall best practice of locating driveways along the wall of the building that features the main entrance; and minimizing multiple driveway access points onto properties within a low density residential neighbourhood. Variance 2 is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is to permit a driveway width of 8.6 metres (28.22 feet) on the flankage lot line adjacent to Bristol Avenue, which represents an increase in driveway width of 1.89 metres (6.20 feet). Variance 1 is generally considered appropriate considering the available landscaped area, and the increased driveway width is also not anticipated to significantly increase parking on the subject property in a manner that is considered excessive; affect the character of the subject property and neighbourhood; affect the function of the subject property; or generate safety concerns. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

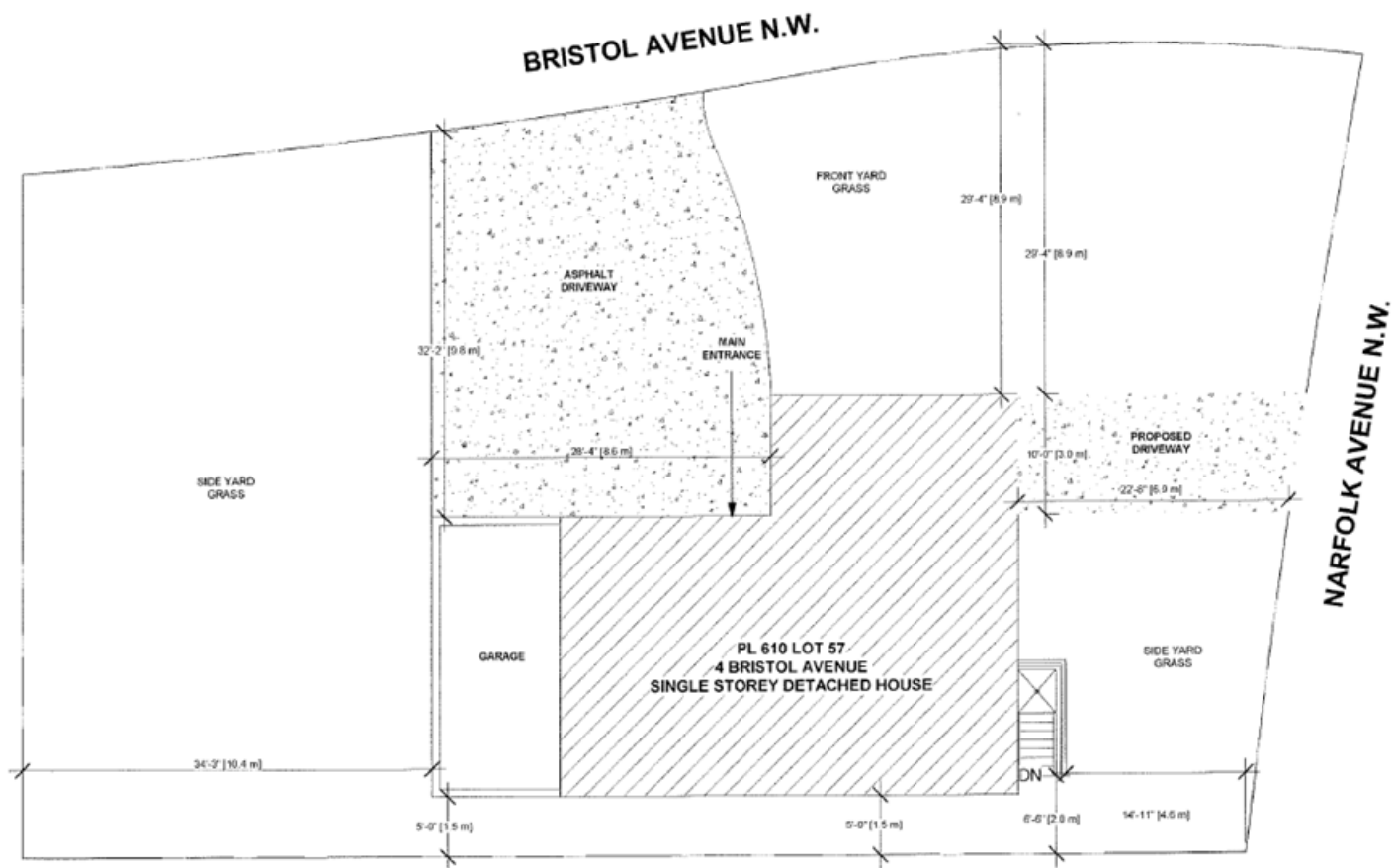
Variance 2 is to permit a combined driveway width of 11.6 metres (38.06 feet), which includes the addition of a driveway in the front yard adjacent to Norfolk Avenue. Variance 2 is not consistent with City guidelines and would result in a corner lot with two separate driveways. This includes safety concerns and impacts to the planned intent, function and character of the area. Variance 2 is not considered to be minor in nature.

Respectfully Submitted,

Charles Wai Ng

Charles Ng, Planner I

Appendix A :



Appendix B :



