



Report Committee of Adjustment

Filing Date: September 19, 2023

Hearing Date: October 24, 2023

File: A-2023-0294

**Owner/
Applicant:** Gurtaj Singh Bhatti, Navneet Kaur Bhatti and Kirpal Singh Bhatti
Pavneet Kaur (Noble Prime Solutions Ltd)

Address: 15 Possession Road

Ward: 10

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0294 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 8.84m whereas the by-law permits a maximum driveway width of 7.32m be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix B) showcasing a 8.23m driveway width;
3. That the applicant provide staff with documentation of the final driveway condition inclusive of the width measuring 8.23m and reinstatement landscaped areas as depicted on Appendix B within 60 days of the Committee's decision or within an extended period of time at the discretion of the Director of Development Services;
4. That the proposed reinstatement of the landscaped areas as depicted in Appendix B and reduced driveway width to 8.23m shall be maintained, and shall not be removed, but may be repaired when necessary; and
5. That 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; and
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:**Existing Zoning:**

The property is zoned 'Residential Single Detached E – Special Section 2459 (R1E-15.2-2459)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a driveway width of 8.84m whereas the by-law permits a maximum driveway width of 7.32m

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

The subject property is designated as 'Residential' in the Official Plan and 'Executive Residential' in the Vales pf Humber Secondary Plan (Area 50). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains 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 E – Special Section 2459 (R1E-15.2-2459)', according to By-law 270-2004, as amended.

The variance is requested to permit a driveway width of 8.84m whereas the by-law permits a maximum driveway width of 7.32m. The intent of the by-law in regulating the maximum permitted driveway width is to ensure that is to ensure that the driveway does not dominate the front yard landscaped area, allow an excessive number of vehicles to be parked in front of the dwelling and sufficient space is provided to allow for drainage.

Upon site visit for the subject property, staff noted the driveway has been widened to an approximate width of 9.45m. The applicant is requesting a variance to permit a proposed driveway width of 8.84m, furthermore as indicated on the proposed site plan, a reinstatement of 0.61m is proposed along the side lot line to include soft landscaping. The proposed driveway width of 8.84m is 1.52m wider than the by-law permits. The existing and proposed driveway facilitates sufficient space to park a third vehicle, which has the potential to block access to the main entrance. In this respect, the widened area of the driveway undermines the overall intent of the by-law as noted above. Following a correspondence with the applicant, a revised proposal is presented whereby the applicant/owner agrees to remove a portion of the concrete stone work along the west side of the property and reinstate approximately 0.61 the area with landscaping. The reinstated area will reduce the proposed driveway width to 8.23m. Staff recommend approval of the driveway width measuring 8.23m as proposed. A condition of approval is provided that the applicant provide staff with documentation of the final driveway condition inclusive of

the width measuring 8.23m and implemented landscaped areas as depicted on Appendix B within 60 days of the Committee's decision or within an extended period of time at the discretion of the Director of Development Services. An additional condition of approval is provided that the proposed reinstatement of the landscaped areas as depicted in Appendix B and the reduced driveway width of 8.23m shall be maintained and shall not be removed, but may be repaired when necessary.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a wider driveway width accommodates additional vehicles to be parked in front of the dwelling, which also reduces the ability of the owner to provide front yard landscaping and negatively impacts the visual character of the streetscape. Additionally, Open Space staff have concerns with the existing driveway widening impacting the long-term health of any existing street trees. The existing widened driveway results in an abundance of hard landscaping which may negatively impact drainage on the property. Staff recommend that Variance 1 be refused, and that approval be based on the revised site plan provided by the applicant (Appendix B) reinstating permeable landscaping on either end of the driveway. The revised 8.23m driveway will not result in additional vehicles to be parked in front of the dwelling and would be considered appropriate relative to the size of the property. Conditions of approval are recommended, that the applicant provide staff with the finalized driveway conditions within 60 days of Committees decision to the satisfaction to the Director of development Services. Furthermore, the applicant is advised to obtain a Road Occupancy and Access Permit City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances.

4. Minor in Nature

Upon staff visit, the existing driveway is measured at approximately 9.45m. in relation to this application the applicant/owner have indicated that they will be reinstating 0.61m along the side lot line. As such, Variance 1 is requested to permit a proposed driveway width of 8.84m is 1.52m wider than the Zoning by-law permits. In staff's opinion, the existing and proposed driveway width results in an abundance of hardscaping in the front of the dwelling and can permit excessive vehicular parking. Staff recommend that Variance 1 be refused, and that approval be based on the revised site plan provided by the applicant in Appendix B, showcasing a proposed 8.23m driveway with an increased curve design to ensure that excessive amount of vehicles are not parked in front of the dwelling, sufficient landscape area is maintained in front of the main entrance is provided. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos



SITE PLAN

THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE DESIGNER/ENGINEER OF ANY VARIATION FROM THE INFORMATION.
CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.



ADDRESS:
15 POSSESSION CRES,
BRAMPTON, ON.

**NOBLE PRIME
SOLUTIONS LTD**
2131 WILLIAMS PARKWAY
UNIT 19,
BRAMPTON, ON
info@nobleltd.ca
(437) 888 1800

<u>DATE:</u> SEP 06/23	<u>DWG No:</u> A-1
<u>SCALE:</u> 1 : 105	