



## Report Committee of Adjustment

**Filing Date:** November 3, 2023  
**Hearing Date:** December 19, 2023

**File:** A-2023-0348

**Owner/  
Applicant:** Ilham Rehman  
Shivang Tarika

**Address:** 133 Timberlane Drive

**Ward:** Ward 4

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2023-0348 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 the below grade entrance shall not be used to access an unregistered second unit;
3. That Variance 4 to permit a driveway width of 8.05 metres be refused;
4. That drainage on adjacent properties should not be adversely affected;
5. That the applicant is to contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval;
6. That the owner shall obtain a building permit within 60 days of the decision of approval or at the discretion of the Chief Building Official
7. 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 original submitted application did not reflect the existing driveway width and on-site conditions as observed during site inspection. Staff notified applicant regarding required changes and an updated sketch to reflect site conditions had been provided.

**Existing Zoning:**

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

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.0 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres is provided on the opposite side of the dwelling.
3. To permit a 1.04 m wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2m leading to the principal entrance of an additional residential unit.
4. To permit a driveway width of 8.05 metres, whereas the By-law permits a maximum driveway width of 6.71 metres.
5. To permit a 0.2 metre of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line.

**Current Situation:**

1. Maintains the General Intent and Purpose 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 (Area 24). The requested variances relating to the exterior stairway, path of travel and permeable landscaping are

not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, Variances 1, 2, 3, and 5 are considered to maintain the general intent and purpose of the Official Plan.

The owner is requesting a variance to permit an existing driveway width. The widened driveway is in contravention to the City's Development Design Guidelines for residential lots in neighbourhoods. The requested variance in relation to driveway width extension is not 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 is requested to permit an existing exterior stairway leading to a below grade entrance in a required side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required side yard. Variance 2 is requested to permit an interior side yard setback of 0.0m to a proposed exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) Variance 3 is requested to permit a 1.04m (3.41 ft.) wide pedestrian path of travel leading to the principal entrance of an additional residential unit whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2m (3.94 ft.) leading to the principal entrance of an additional residential unit. The intent of the by-law in prohibiting an exterior stairway to a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still providing access to the rear yard. The intent of the by-law in requiring 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 everyday and emergency purposes.

The proposed 1.04 metres pedestrian path of travel leading to the primary entrance to a second unit is sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. Furthermore, the variances associated with the exterior stairway are considered to maintain the general intent and purpose of the Zoning By-law as access to the rear yard is maintained on both sides of the property.

Variance 4 is requested to permit a driveway width of 8.05 metres, whereas the By-law permits a maximum driveway width of 6.71 metres. Variance 5 is requested to permit a 0.2 metre of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.97 ft.) of permeable landscaping abutting the side lot line. 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 ensures sufficient permeable landscaped is provided to mitigate stormwater runoff and drainage. In regulating the overall driveway width, this in turn also limits the excessive number of vehicles to be parked in front of the dwelling. The intent of the by-law in requiring a

minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

In the case of the subject property, the existing driveway is approximately 1.34m (4.39 ft.) wider than the permitted maximum as per the Zoning By-law 270-2004, as amended. Furthermore, aerial imaging as well as site pictures of the site show vehicles parking on the concrete walkway (Appendix B) leading to the front entrance. The extended driveway width facilitates vehicular parking in a location that is considered undesirable and conducive to creating an abundance of hard surfacing along the front of the property and thus does not maintain the general intent and purpose of the Zoning By-law.

The variance relating to the reduction of permeable landscape strip along the eastern side lot line is not considered to significantly facilitate vehicular parking or impact drainage. As a condition of approval it is recommended that drainage shall not be impacted on adjacent properties. Subject to the recommended condition of approval, Variance 5 is considered to maintain the general intent and purpose of the Zoning Bylaw.

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

Variances 1, 2, and 3 are requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard, to permit a reduction to the interior side yard setback, and to permit a reduced path of travel of 1.04m (3.41 ft.). Despite the proposed exterior stairway resulting in a decreased interior side yard setback, staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and rear yard is provided due to the construction of two step risers on either side of the entrance. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are appropriate for the development of the land.

Variance 4 is requested to facilitate a driveway width that facilitates vehicular parking on a walkway beyond the front of the garage wall. This further reduces the amount of front yard landscaping and negatively impacts the visual character of the streetscape. The widened driveway results in an abundance of hard landscaping which may negatively impact drainage on the property. Open Space staff have expressed concerns with the existing driveway widening and landscaping impacting the long-term health of any existing trees and prefer that any trees be offset by a minimum of 1m from the edge of the driveway. The increased driveway width is not considered desirable for the appropriate development of the land.

Variance 5 is requested to permit a reduced landscape strip abutting the eastern side lot line. 0.2 metres of permeable landscaping remains between the driveway and lot line which is not considered to significantly impact drainage or facilitate vehicular parking. The concrete pad located along the side of the driveway serves as a walkway to the side of

the dwelling and exterior stairway to the below grade entrance. The variance is considered to be appropriate for the development of the land.

#### 4. Minor in Nature

The location of the proposed exterior stairway and reduced interior side yard setback are not considered to impact access to the rear yard. The proposed location of the below grade entrance is appropriate given the site context. Staff have determined that sufficient space is provided to allow for drainage and therefore, should not negatively impact abutting properties. No concerns regarding access to the rear yard are anticipated as a path of travel is maintained on the property. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are considered minor in nature.

Variance 4 to permit a driveway width of 8.05m (3.41 ft.) which is 1.34m (4.39 ft.) greater than the maximum as permitted by Zoning By-law results in an abundance of hardscaping in the front of the dwelling and supportable of excessive vehicular parking. According to aerial photographs of the property, the widened portion of the driveway and walkway leading to the front entrance of the dwelling is used as vehicle parking. The requested variance is therefore considered not minor in nature.

Variance 5 is minor in nature as is not considered to adversely affect drainage on adjacent property. The 0.2 m (0.65 ft.) permeable landscape strip ensures that a permeable divide is provided between hardscaping. Variance 5 is considered to be minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

#### **Appendix 1: Site Visit Photos**



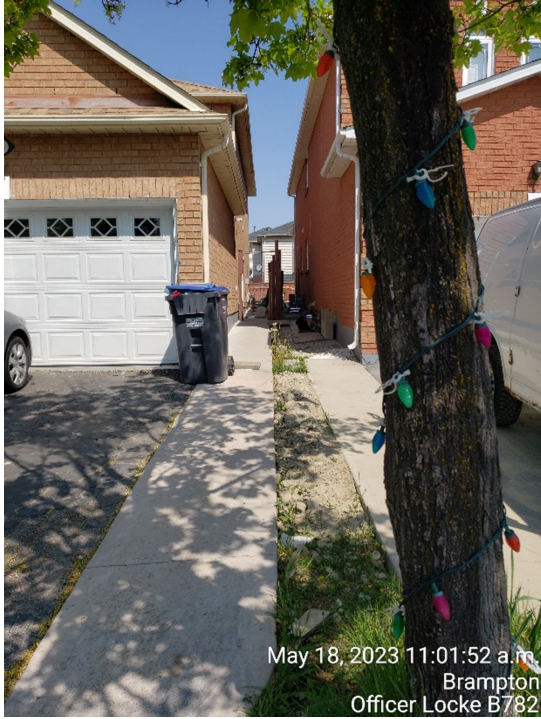
**Appendix 2: Aerial Imaging**



**Appendix 3: Enforcement Pictures**



May 18, 2023 11:02:42 a.m.  
Brampton  
Officer Locke B782



May 18, 2023 11:01:52 a.m.  
Brampton  
Officer Locke B782



May 18, 2023 11:01:44 a.m.  
Brampton  
Officer Locke B782