



## Report Committee of Adjustment

**Filing Date:** August 16, 2022

**Hearing Date:** May 30, 2023

**File:** A-2022-0264

**Owner/**

**Applicant:** GURPREET UBHI & KULJEET UBHI

**Address:** 8884 Creditview Road

**Ward:** WARD 4

**Contact:** Simran Sandhu, Planner I

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### **Recommendations:**

That application A-2022-0264 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

Application A-2022-0264 was first presented to the Committee in September 2022, where it was deferred to no later than the last hearing of March 2023. The reason for the deferral was in regards to the proposed widening of the driveway. On the original sketch submitted, it was shown that two mature trees would be negatively impacted by the increased size of the driveway. Staff were not in support of removing the trees to accommodate the driveway and it was also shown on the sketch that the existing access onto Creditview Road was proposed to be widened. This would not be considered to be consistent with the objectives of the Creditview Road Cultural Heritage Corridor. Staff requested that the applicant revise the design of the driveway to include a narrow entrance onto Creditview Road, resulting in a reconfiguration of the driveway.

The application was then heard at the March 28<sup>th</sup>, 2023 where it was deferred to allow staff additional time to review the revised sketch and to confirm the variances required as they were vastly different

from the original drawing attached to the public notice. The applicant has since provided an updated sketch, along with an amendment letter for the change is variances required.

Existing Zoning:

The property is zoned 'Agricultural (A)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit interior side yard setback of 2.95m (9.67 ft.) and 2.6m (8.53 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Executive Residential' in the Credit Valley Secondary Plan (Area 45). The nature and extent of the proposed variance 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

Variance 1 is requested to permit interior side yard setback of 2.95m (9.67 ft.) and 2.6m (8.53 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.). The intent of the by-law in requiring a minimum interior side yard setback is to ensure that access to the rear yard can be maintained.

The applicant is requesting to reduce the interior side yard setback on the east side to allow for the new proposed dwelling. Access to the rear yard is maintained as there is adequate room provided to access the rear yard in a continuous path given the size of the subject property. Despite the reduced interior side yard setback, there is not anticipated to be any negative impacts. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is intended to permit reduced interior side yard setbacks. The subject property is designated as Executive Residential in the Secondary Plan and the proposed dwelling will be situated on a large lot. The reduction in the interior side yard is a result of the proposed dwelling to be constructed on the property and adequate space will be provided to access the rear yard through the side yard. The proposed dwelling will also be in keeping with the other dwellings located on street. Variance 1 is considered desirable and appropriate to the development of the land.

4. Minor in Nature

The requested variances are intended to facilitate the proposed dwelling which will reduce the interior side yard setback. The requested variance is not considered to have a significant impact on access to the rear yard. Variance 1 is deemed minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a hand-drawn oval border.

Simran Sandhu, Planner I

**Appendix A: Staff Report (September 2022)**



**Report  
Committee of Adjustment**

**Filing Date:** August 16, 2022  
**Hearing Date:** September 13, 2022

**File:** A-2022-0264

**Owner/  
Applicant:** GURPREET UBHI AND KULJEET UBHI

**Address:** 8884 Creditview Road

**Ward:** WARD 4

**Contact:** Constance Tsang, Planner I

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**Recommendations:**

That application A-2022-0264 be deferred to a meeting no later than the last hearing of March 2023.

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**Background:**

Existing Zoning:

The property is zoned "Agriculture (A)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit interior side yard setbacks of 2.66m (8.73 ft.) and 2.89m (9.48 ft.) whereas the by-law requires a minimum interior side yard setback of 7.5m (24.60 ft.);
2. To permit 56% of the required front yard to be landscaped open space whereas the by-law requires a minimum 70% of the required front yard to be landscaped open space.

**Current Situation:**

The minor variance application was submitted to facilitate the construction of a new single detached dwelling that was approved through the City of Brampton's Custom Home Architectural Control Review on August 24, 2022. Variance 1 is requested to permit reduced interior side yard setbacks and variance 2 is requested to permit a reduced amount of landscaped open space in the front yard.

During the review of the application, it was identified that Variance 2, to permit a reduced amount of landscaped open space in the front yard was intended to facilitate a widened driveway with a widened entrance onto Creditview Road.

Heritage Staff advised that Creditview Road is considered to be a Cultural Heritage Corridor and represents one of the most significant and well preserved cultural heritage landscapes in the City of Brampton. Some key heritage attributes of this area include, but are not limited to, the uninterrupted rural cross section, the tree canopies and tree lines, and individual mature specimen trees.

On the sketch submitted as part of the application, it was shown that two mature trees would be negatively impacted by the proposed increased size of the driveway. Staff did not support the removal of the trees to accommodate the driveway. It was also shown on the sketch that the existing access onto Creditview Road was proposed to be widened which is not considered to be consistent with the objectives of the Creditview Road Cultural Heritage Corridor.

Following discussion with City staff, the applicant agreed to revise the design of the driveway to include a narrow entrance onto Creditview Road, resulting in a reconfiguration of the driveway.

Upon being advised by the applicant that the mature trees of concern had been removed from the property (Appendix A), staff were informed by the City's Forestry Department that removal of the mature trees on the property was conducted without issuance of a permit by the City. This matter is ongoing with the City's Forestry Department.

Staff recommend deferral of the application to allow time for the Forestry matters to be resolved. It is recommended that the application be deferred no later than the last hearing of March 2023.

Respectfully Submitted,



Constance Tsang  
Planner I

Appendix A



**Appendix B: Staff Report (March 2023)**



**Report  
Committee of Adjustment**

**Filing Date:** August 16, 2022

**Hearing Date:** March 28, 2023

**File:** A-2022-0264

**Owner/  
Applicant:** GURPREET UBHI & KULJEET UBHI

**Address:** 8884 Creditview Road

**Ward:** WARD 4

**Contact:** Simran Sandhu, Planner I

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**Recommendations:**

That application **A-2022-0264** be deferred no later than the last hearing of May 2023.

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**Background:**

Application A-2022-0264 was first presented to the Committee in September 2022, where it was deferred to no later than the last hearing of March 2023. The reason for the deferral was in regards to the proposed widening of the driveway. On the original sketch submitted, it was shown that two mature trees would be negatively impacted by the increased size of the driveway. Staff were not in support of removing the trees to accommodate the driveway and it was also shown on the sketch that the existing access onto Creditview Road was proposed to be widened.

Staff requested that the applicant revise the design of the driveway to include a narrow entrance onto Creditview Road, resulting in a reconfiguration of the driveway. The applicant has provided a revised sketch as shown on the Notice of Decision.

There continues to be ongoing matters with the City's Forestry Department and the owners regarding the removal of the mature trees without the issuance of a permit by the city.

**Existing Zoning:**

The property is zoned 'Agricultural (A)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit interior side yard setback of 2.66m (8.73 ft.) and 2.89m (9.48 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.);
2. To permit 56% of the required front yard to be landscaped open space whereas the by-law requires a minimum 70% of the required front yard to be landscaped open space.

**Current Situation:**

The request variances to permit an interior side yard setback and reduced landscape open space are intended to facilitate a new proposed dwelling on the subject site. Following the deferral in September 2022, the applicant provided the revised drawing on March 14, 2023.

Staff require additional time to review the revised sketch to confirm the variances required as they are vastly different from the site plan also attached to the public notice. It was determined that the original variances for the interior side yard setback and landscaped open space require revisions and such will need to be reflected in the Public notice.

Staff recommend a flexible deferral of the application to a date no later than the last hearing of May 2023 so that additional time can be given to staff to review the revised sketch and amend the variances as required.

Respectfully Submitted,



Simran Sandhu, Planner I