



Report Committee of Adjustment

Filing Date: July 19, 2024
Hearing Date: August 20, 2024

File: A-2024-0281

**Owner/
Applicant:** MUHAMMAD IHSAN & FARIHA IQBAL

Address: 23 Provincial Place

Ward: WARD 8

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0281 is supportable in part, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the hardscaping and softscaping that is located within the daylight triangle be removed to the satisfaction of the Traffic Services and Open Space Departments within 90 days of the Committee's decision or within an extended period of time at the discretion of the Director of Development Services;
 3. That the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
 4. That drainage on adjacent properties shall not be adversely affected;
 5. That the below grade entrance shall not be used to access an unregistered second unit; 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:

Existing Zoning:

The property is zoned 'Residential Street Townhouse B – Special Section 725 (R3B-725)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance with an exterior side yard setback of 2.03 metres (6.66 feet), whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet);
2. To permit a driveway width of 5.82 metres (19.09 feet), whereas the by-law permits a maximum driveway width of 5.5 metres (18.04 feet); and
3. To permit a proposed exterior stairway leading to a below grade entrance in the required exterior side yard, whereas the by-law does not permit a stairway constructed below established grade to be located in the required exterior side yard.

Current Situation:

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3).

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. Variances 1 and 3 are considered to maintain the general intent and purpose of the Official Plan.

The Official Plan establishes policies that facilitate the growth and maintenance of complete residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. As per Section 4.2.1.14 of the City of Brampton Official Plan, driveways

are listed as key design areas. The layout of the driveway should be in such a manner that it complements and is consistent with the overall streetscape aesthetic. Variance 2 is not considered to have significant impacts within the context of the Official 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

Variance 1 is requested to permit a below grade entrance with an exterior side yard setback of 2.03 metres (6.66 feet), whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). Variance 3 is requested to permit a proposed exterior stairway leading to a below grade entrance in the required exterior side yard, whereas the by-law does not permit a stairway constructed below established grade to be located in the required exterior side yard. The intent of the by-law in requiring a minimum exterior side yard setback to a below grade entrance and construction of exterior stairways is to ensure that sufficient space is provided to allow access to the rear yard. City Engineering Staff have also reviewed the proposed development and are satisfied that it does not negatively impact drainage on the subject parcel or abutting property. Staff recommend that vegetation be implemented in a manner that appropriately screens the proposed entrance in order to minimize visual impacts on the streetscape. Subject to the conditions of approval, Variances 1 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a driveway width of 5.82 metres (19.09 feet), whereas the by-law permits a maximum driveway width of 5.5 metres (18.04 feet). 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 to prevent the parking of an excessive number of vehicles in front of the dwelling. Due to the front entrance of the home being located on the eastern portion of the lot, Staff are of the opinion that the driveway width is not considered to facilitate an excessive number of vehicles being parked near the front entrance of the dwelling or significantly impact drainage on the site. Subject to the recommended conditions of approval, Variance 2 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a below grade entrance with an exterior side yard setback of 2.03 metres (6.66 feet), whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). Variance 3 is seeking to permit a proposed exterior stairway leading to a below grade entrance in the required exterior side yard, whereas the by-law does not permit a stairway constructed below established grade to be located in the required exterior side yard. The reduction in the exterior side yard will assist in facilitating the development of a below grade entrance between the main wall of the dwelling and the flankage lot line. The proposed below grade entrance will be constructed along the western wall of the detached dwelling, which is located southwest corner of Provincial Place. The variance to reduce the resulting setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties. Conditions of approval are recommended that drainage on the adjacent properties shall not be adversely affected. Planters will also need to be implemented surrounding the stairway and entrance to maintain the streetscape, as illustrated on the Concept Plan. Subject to the conditions of approval, Variances 1 and 3 are considered desirable for the appropriate development of the land.

Variance 2 is to permit a driveway width which exceeds the requirement that is set out in the Zoning By-law. A portion of the extension has been included within the City's limits. The applicant has worked with the City's Traffic Services and Development Services departments to make alterations to the Site Plan (Appendix B) that was originally provided as objects that are within the daylight triangle can significantly impair the vision of motorists and pedestrians as the home is located on a corner lot. A condition has been included in the report, stating that the removal of the identified hardscape features should occur within 90 days of the Committee's decision.

While the total width of the driveway exceeds the maximum requirements of the Zoning By-Law, the materials and design maintain a certain aesthetic quality which does not detract from the streetscape. The property continues to maintain a substantial amount of landscaped area at the front of the property. The expanded driveway will not have a negative impact on the streetscape as permeable landscaping features will remain and access to the front entrance will not be reduced. Subject to the recommended conditions of approval, Variance 2 is appropriate for the development of the land.

4. Minor in Nature

Variance 1 will assist in facilitating the construction of an exterior stairway leading to a below grade entrance by permitting a reduced setback. Variance 3 will assist in facilitating the construction of a The variance is not anticipated to have significant impact on access to the property or visually detract from the streetscape. The application has been reviewed by Staff and they are of the opinion that neighbouring properties should not be negatively impacted by the proposal. Furthermore, no negative impacts to drainage are anticipated. Subject to the recommended conditions of approval, Variances 1 and 3 are considered minor in nature.

Variance 2 is requested to permit an increased driveway width in the front yard of the dwelling. This variance is not considered to be one that will significantly impact the amount of available permeable landscaping or significantly affect drainage on the subject property or adjacent properties. The submitted Site Plan illustrates the reinstated grass along the western section of the lot. Variance 2 is considered to be minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:



Appendix B:

