



## Report Committee of Adjustment

**Filing Date:** July 24, 2024  
**Hearing Date:** September 17, 2024  
**File:** A-2024-0294  
**Owner/  
Applicant:** Gurpreet Ubhi  
Elen Abunahla  
**Address:** 8884 Creditview Road  
**Ward:** WARD 4  
**Contact:** Simran Sandhu, Planner I

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### Recommendations:

That application A-2024-0294 is supportable, 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 owner implement planting to screen portions of the driveways in accordance with the sketch attached to the Notice of Decision;
  3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### Background:

Heritage staff have reviewed the application and provide the following advisory comments that should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore subject to Section 48 of the Ontario Heritage Act. The proponent/ person discovering the archaeological resources must immediately cease alteration of the site, engage a licensed consultant archaeologist to carry out the archaeological fieldwork, in compliance with Section 48 (1) of the Ontario Heritage Act, and also contact City Heritage staff. The Funeral, Burial, and Cremation Services Act requires any persons discovering human remains to notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services. In no way will the City of Brampton be liable for any harm, damages, costs, expenses, losses, claims, or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or

fraudulent; or (b) from the issuance of this clearance. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading, or fraudulent.

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 5.04m to a proposed deck extension, whereas the by-law requires a minimum interior side yard setback of 7.5m; and,
2. To permit a driveway width of 13.42 metres (58.7% of the lot width), whereas the by-law permits a maximum driveway width of 11.43 metres (50% of the lot width).

**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 Credit Valley Secondary 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 Official Plan identifies policies to build and maintain attractive residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. In accordance with the Development Design Guidelines found in section 4.2.1.14, one of the key elements for driveway design includes lot widths related to attached garages and rear yard garage locations. The intent of this policy is to ensure that the design of a residential driveway does not accommodate the parking of an excessive number of vehicles and compliments the house and lot size. Furthermore, the policy ensures that the driveways are designed in such a manner that they complement the overall streetscape aesthetic without compromising drainage.

The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan and maintain 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 'Agricultural (A)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit an interior side yard setback of 5.04m to a proposed deck extension, whereas the by-law requires a minimum interior side yard setback of 7.5m. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. Additionally, the interior side yard setback for a deck is required to minimize privacy concerns on adjacent properties.

The size of the deck extension is proposed to be approximately 13.38 square metres and is part of the existing deck built with the dwelling. The subject property is located in an executive residential area which is characterized by larger dwellings on larger lots and therefore there is adequate room in the interior side yard for drainage and access to the rear yard of the property.

Variance 2 is requested to permit a driveway width of 13.42 metres (58.7% of the lot width), whereas the by-law permits a maximum driveway width of 11.43 metres (50% of the lot width). 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. There is also the intent to limit the excessive amount of vehicles that can be parked in front of the dwelling.

The existing driveway was widened on the western portions of the lot, allowing for a total driveway width of 13.42 metres at its widest point which equates to 1.99 metres more than what the Zoning By-law permits. Given the location of the garage being located facing the west, a wider driveway is required to safely navigate a vehicle to enter and exit the garage. Since the dwelling is situated on a larger lot, the existing asphalt driveway width of 4.51 metres is to remain for 8 metres from Creditview Road, before being widened to 13.42 metres to provide access to the garage.

Subject to the recommended conditions of approval, the requested variances are considered to maintain 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 reduction in the interior side yard setback to an existing deck extension. The reduced interior side yard setback is not anticipated to negatively impact the drainage on adjacent properties nor hinder the ability to access the rear yard given the large lot size. The deck extension will also not cause any privacy concerns in regards to adjacent property's backyards.

Variance 2 is requested to permit a driveway width of 13.42 metres (58.7% of the lot width), whereas the by-law permits a maximum driveway width of 11.43 metres (50% of the lot width). While the driveway exceeds the permitted width, landscaping is being proposed along the driveway leading up to the front entrance of the dwelling. Furthermore, the subject property is located in an Executive Residential Area which is characterized by larger dwellings on larger lots and contains a substantial amount of open landscaping. Based on the position of the garage facing towards the west, an additional paved surface is required to safely access the garage. This configuration is also not out of character for the area.

Subject to the recommended conditions of approval, Variance 1 and Variance 2 are desirable for appropriate development of the land.

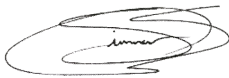
#### 4. Minor in Nature

The requested variances are to permit an interior side yard setback to the deck extension and driveway widening. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the setback is consistent with what is presented in this application

The requested variance to permit an existing driveway width of 13.42 metres (58.7% of the lot width) is required to access the garage given its configuration and is not considered to have negative impacts on drainage on site or off site.

Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran', enclosed within a large, loopy, oval-shaped flourish.

Simran Sandhu, Planner I

## **Appendix A**

### Site Visit Photos



