



## Report Committee of Adjustment

**Filing Date:** July 22, 2024  
**Hearing Date:** October 15, 2024

**File:** A-2024-0288

**Owner/  
Applicant:** Ibrar Hussain, Salma Ibrar  
Prabhjot Kaur

**Address:** 22 Coronation Circle

**Ward:** Ward 2

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0288 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 2, 3, and 4 be refused;
3. That the amount of glazed openings will be restricted based on the limiting distance, and is required to conform to Division B, 9. 10. 15. 4. Of the Ontario Building Code;
4. The owner shall obtain a building permit within 60 days of the decision of approval, or within an extended period of time at the discretion of the Chief Building Official;
5. The owner shall ensure that the shed structure has been removed prior to the issuance of building permits relating to the existing one storey building addition;
6. The owner shall ensure that the fencing located between adjacent lots be maintained and brought back to City standard;
7. That the building addition remain 1-storey in height; and

8. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

This minor variance application is submitted relating to an as-built one-storey addition structure constructed without building permits attached to the rear of the dwelling. Staff noted that the additional variance relating to the existing driveway should be addressed in this application as well. The applicant is agreeable to proceed with the inclusion of the minor variance relating to the existing driveway. However, the variance was excluded from public notices. A revised site plan was received from the applicant and staff's opinion were established based on the revised site plan included below. As such, staff recommend including the additional variance and revised site plan in the final decision.

### Existing Zoning:

The property is zoned 'Residential Single Detached – Special Section 310 (R1C - 310)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variance:

1. To permit a minimum rear yard setback of 3.66 metres to an existing one storey building addition in the rear yard, whereas the by-law requires a minimum rear yard setback of 7.6 metres;
2. To permit an existing accessory structure (shed) having a minimum setback of 0.30 metres to the nearest lot lines (rear yard and interior side yard), whereas the by-law requires an accessory structure to be no closer than 0.6 metres to the nearest lot line;
3. To permit a maximum driveway width of 9.18 metres, whereas the by-law permits a maximum driveway width of 7.32 metres; and
4. To permit a minimum of 0.46 metres 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 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 'Medium Density Residential' in the Heartlake Secondary Plan (Area 1). The requested variances have 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 variances are requested to permit a minimum rear yard setback of 3.66 metres to an existing one storey building addition in the rear yard, whereas the by-law requires a minimum rear yard setback of 7.6 metres, to permit an existing accessory structure (shed) having a minimum setback of 0.30 metres to the nearest lot lines (rear yard and interior side yard), whereas the by-law requires an accessory structure to be no closer than 0.6 metres to the nearest lot line, to permit a maximum driveway width of 9.18 metres, whereas the by-law permits a maximum driveway width of 7.32 metres, and to permit a minimum of 0.46 metres 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.

The location and the configuration of the addition relative to the lot size and surrounding size ensures that the 3.94m reduction in the rear yard setback will not generate massing and privacy impacts as the existing addition as recommended by staff will be restricted to a 1-storey height, and sufficient distance is maintained between neighboring properties. Staff believe that the removal of the existing shed will prevent overdevelopment of the lot, and therefore, the second variance is refused. Additionally, with the removal of the existing shed the subject property still maintains sufficient amenity space in the rear yard. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

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 that the driveway does not allow for an excessive number of vehicles to be parked in the front of the dwelling. The existing driveway was widened on both sides for a total width of 9.18 metres. The widened area of the driveway leads directly to the main entrance of the dwelling and allows for several vehicles to be parked across the width of the driveway in a manner that is considered excessive, which is contrary to the intent of the by-law.

Furthermore, there is inadequate permeable landscaping on the property due to the existing and extended driveway width which is considered to dominate the front yard. The increased driveway width fails to incorporate an adequate amount of landscaping in the front yard which creates an abundance of hardscaping and reduces the capability of drainage on the property. As a result, the requested variance does not maintain the

general intent and purpose of the Zoning By-law. 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. The widening of the driveway on both sides has resulted in site conditions where the property is dominated by hardscaping, preventing adequate permeability and drainage. The variance relating to permeable landscaping abutting the side lot line does not maintain the general intent and purpose of the Zoning By-law.

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

The Variances are requested to permit a minimum rear yard setback of 3.66 metres to an existing one storey building addition in the rear yard, whereas the by-law requires a minimum rear yard setback of 7.6 metres, and to permit an existing accessory structure (shed) having a minimum setback of 0.30 metres to the nearest lot lines (rear yard and interior side yard), whereas the by-law requires an accessory structure to be no closer than 0.6 metres to the nearest lot line.

Given the size of the rear yard and the configuration of the addition with the anticipation that the shed will be removed, the existing addition is not anticipated to limit the overall provision of amenity space or cause negative visual impacts as it will be limited in height to 1-storey. Furthermore, Building Staff have advised that the amount of glazed openings will be restricted based on the limiting distance, and is required to conform to Division B, 9.10.15.4. of the Ontario Building Code. Subject to the recommended conditions, variance 1 is desirable for the appropriate development of the land.

The variances requesting a wider driveway and reduced permeable landscaping allows for additional vehicle parking in front of the dwelling, which diminishes the ability to provide front yard landscaping and negatively impacts the streetscape's visual character. The widened driveway leads to an excess amount of hard landscaping, which may adversely affect drainage on the property. Together, these variances create an imbalance in permeable landscaping on the property and allows for additional parking of vehicles. Therefore, the increased driveway width and reduced permeable landscaping are not considered desirable for the appropriate development of the land.

believe that the removal of the existing shed will prevent overdevelopment of the lot

### 4. Minor in Nature

In relation to the requested Variances, the existing addition is not anticipated to negatively impact the function of the rear yard amenity space should the existing shed be removed. Privacy concerns will be mitigated with the removal of the shed as the remaining existing addition maintains the interior side yard setback requirements to the neighbouring properties. Subject to the recommended conditions of approval, variance 1 is minor in nature.

The requested variances relating to the existing driveway are to facilitate the existing driveway conditions in relation to the driveway width and permeable landscaping. Variance 3 relating to the increased driveway width facilitates the parking of an additional vehicles in front of the main entrance of the dwelling. Variance 4 regarding the reduction of permeable landscaping contributes to a sense that the property is dominated by hardscaping which limits permeability along the lot line. Variances 3 and 4 are not considered to be minor in nature.

Respectfully Submitted,

*EMailing*

Emily Mailling, Planning Technician

**Site Visit Photos**







