



## Report Committee of Adjustment

**Filing Date:** August 9, 2024  
**Hearing Date:** February 25, 2025  
**File:** A-2024-0304  
**Owner/  
Applicant:** Muhammad Muneeb Khan  
**Address:** 29 Torrance Woods  
**Ward:** 4  
**Contact:** Megan Fernandes, Planner I

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### Recommendations:

That application A-2024-0304 be refused.

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### Background:

The property was previously subject to an approved Minor Variance Application A18-170 and the scope of the application included the following:

1. To permit a rear yard setback of 6.5m to an existing building addition;
2. To permit a lot coverage of 31.43%
3. To permit an existing driveway width of 7.87m;
  - This variance was refused, and a driveway width of 7.40m was approved.
4. To permit an eaves encroachment of 0.8m beyond the walls of a building addition.

In 2018, the Committee of Adjustment approved the application in part subject to conditions. The Notice of Decision and Staff Minor Variance Report is included as an appendix to the report.

### Existing Zoning:

The property is zoned 'Residential Single Detached B – Special Section 3166 (R1B – 3166)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a lot coverage of 39.70%, whereas the by-law permits a maximum lot coverage of 30%;
2. To permit a driveway width of 7.96 metres, whereas the by-law permits a maximum driveway width of 7.0 metres;
3. To permit a separation distance of 2.31 metres from the garden suite to the principal dwelling, whereas the by-law requires a minimum separation distance of 3.0 metres from the garden suite to the principal dwelling;
4. To permit an interior side yard setback of 1.0 metre to a proposed garden suite, whereas the by-law requires a minimum interior side yard setback of 1.8 metres to a garden suite; and
5. To permit a rear yard setback of 1.0 metre to a proposed garden suite, whereas the by-law requires a minimum rear yard setback of 2.5 metres to a garden suite.

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1 – Residential – Brampton Flowertown Secondary Plan (Area 6)'. The new Council approved Brampton Plan Schedule 2—Designations designates the property 'Neighbourhoods'. 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 also subject to the Older, Mature Neighbourhoods Official Plan Policies.

The City of Brampton enacted By-law 155-2022 to adopt Amendment Number OP 2006-221 to its Official Plan, aligning with changes introduced by Ontario's Bill 108, the More Homes, More Choice Act, 2019. This amendment supports the inclusion of Additional Residential Units (ARUs) citywide, promoting diverse housing options and gentle intensification. The Official Plan Amendment (OPA) establishes policies for ARUs, including garden suites.

Policy 4.2.5.6.4 permits minor variances from zoning requirements for ARUs, provided the following conditions are met:

- i. The variance aligns with the intent and purpose of policies in Section 4.2.5.6.1;
- ii. It is demonstrated that the privacy of adjacent properties is maintained; and
- iii. The variance meets the intent and purpose of the Zoning By-law's requirements and restrictions.

As the property is located in a Mature Neighbourhood, any development should be compatible with the size, type, and style of surrounding dwellings. The massing and scale of new dwellings or building additions should align with the character of the host neighborhood.

The requested variances seek to facilitate the development of a garden suite by increasing the lot coverage, reduce the separation distance between the ARU and the primary dwelling, and decrease the rear and interior side yard setbacks from the garden suite. The deviations from the Zoning By-law are expected to exacerbate privacy concerns and significantly exceed the general intent of zoning requirements leading to what is considered an overdevelopment of the rear yard. Given these factors, the proposed variances are inconsistent with the Official Plan policies and do not maintain the general intent and purpose of the Official Plan.

Variance 1 requests an increase in lot coverage from the permitted 30% for a detached property to 39.70%, as required under the 'Mature Neighbourhoods By-law'. The 'mature neighbourhoods by-law' has been put in place to protect older mature neighbourhoods from incompatible new or replacement dwellings or building additions while still allowing for change and reinvestment sensitive to the existing character of the neighbourhood. A previous Minor Variance Application A18-170 approved an increase of lot coverage on the subject property to 31.43% to permit an existing building addition. Staff have reviewed the proposed garden suite and have determined that its introduction resulting in the increase lot coverage is not consistent or compatible with the existing development pattern of the mature neighbourhood area. The request to increase the lot coverage on the property from the permit 30% lot coverage to 39.70% lot coverage does not maintain the general intent and purpose of the Official Plan as specified in the Mature Neighbourhoods section of the Official Plan. Furthermore, the combined impact of Variances 3, 4, and 5 demonstrates that the rear yard is too small to accommodate a garden suite without adversely affecting adjacent properties or significantly deviating from the mature neighbourhood policies. The requested variance does not conform to the intent of the Official Plan.

In regard to variance 2, requesting to permit a driveway larger than what the zoning by-law permits, 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. This is related to the design objectives outlined within Section 4.2.7 of the City of Brampton's Official Plan which aims to avoid the excessive parking of vehicles in the front yard and on driveways, and to promote a driveway design that is complementary to the house and lot size. The driveway design for this property is capable of allowing excessive parking on the driveway and eliminates all permeable landscaping at the front of the property. The requested variance does not 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 'Residential Single Detached B – Special Section 3166 (R1B – 3166)', according to By-law 270-2004, as amended.

*Garden Suite Variances – Lot Coverage & Setbacks*

Variance 1 is requested to permit a lot coverage of 39.70%, whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating maximum lot coverage is to ensure adequate amount of open space is available for landscaping, setbacks, parking and drainage. In the case of this request, the increased coverage is partly related to a previously approved which represents a 1.43% increase and a proposed garden suite which would represent a 6.97% increase in lot coverage. In this case, although the proposed Garden Suite complies with the Gross Floor Area (GFA) and height requirements of the Zoning By-law, the development of the garden suite represents an overall increase to the lot coverage provision which reduces the useable outdoor amenity area and is not consistent with the surrounding residential neighbourhood leading to what is considered an overdevelopment of the rear yard. The variance does not meet the general intent and purpose of the zoning by-law.

Variance 3 is requested to permit a separation distance of 2.31 metres from the garden suite to the principal dwelling, whereas the by-law requires a minimum separation distance of 3.0 metres from the garden suite to the principal dwelling. The intent of the by-law in requesting a minimum separation distance between the garden suite and principal dwelling is to ensure that there will not be any functional or safety issues with accessing sections of the subject property. As the provided path is still 2.31 metres wide, there is still an adequate amount of room to maneuver when accessing the rear yard and is reflective of the existing site conditions and location of the proposed garden suite while maintaining Ontario Building Code requirements. Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an interior side yard setback of 1.0 metre to a proposed garden suite, whereas the by-law requires a minimum interior side yard setback of 1.8 metres to a garden suite. Variance 5 is requested to permit a rear yard setback of 1.0 metre to a proposed garden suite, whereas the by-law requires a minimum rear yard setback of 2.5 metres to a garden suite. The intent of the by-law in requiring a minimum setback to a garden suite is to ensure that sufficient space is provided for drainage, access to the rear yard, and to ensure there is appropriate separation between structures and the lot lines.

The owner is proposing an “L” shaped garden suite on the subject property which has an approximate area of 520 square metres. Planning staff have reviewed the requested variances reduced side yard setback and rear yard setback within the context of the subject property and have concerns that the proposed garden suite cannot be sufficiently accommodated. The proposed variances can present significant impacts to adjacent properties as well as future tenants of the garden suite as insufficient space would be provided for maintenance and potential increase of massing impacts to the adjacent properties. In staff’s opinion, the cumulative impacts of variances 3, 4, and 5 represents a significant deviation from the intent of the Mature Neighbourhoods requirements of the zoning by-law.

#### *Driveway Width Variance*

Variance 2 is requested to permit a proposed driveway width of 7.96 metres, whereas the by-law permits a maximum driveway width of 7.0 metres. The intent of the by-law in restricting the driveway width to a certain maximum size is to ensure that driveways, and the potential parking of vehicles that driveways can accommodate do not dominate the streetscape.

Variance 2 represents an increase of the permitted driveway width by 0.96 metres. The increased driveway width would facilitate additional vehicular parking at the front of the property. With the removal of the landscaping, staff noticed that proposed driveway width would generate substantial amount of hardscaping in the front yard that is considered to be excessive. Therefore, Staff recommend the refusal of the requested variance as it is not considered to maintain the general purpose of the Zoning By-Law. In order to preserve the ability of proper drainage to occur and remain on the property, Staff recommend the driveway maintain the previously approved width of 7.40m associated with Minor Variance Application A18-170.

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

Variance 1 is requested to permit a 9.70% increase to the total lot coverage and is needed to permit the existing addition at the rear of the dwelling and the proposed garden suite. In staff's opinion the presented proposal will contribute to an overdevelopment of the lot, which is contrary to the goal of the Mature Neighbourhoods policies and Garden Suites policies of the Official Plan. The garden suite proposed on this property will not be compatible with the built form of the existing neighbourhood and will occupy the majority of the rear yard. The requested variance is not deemed desirable for the appropriate development of the land.

Variances 3, 4 and 5 are requested to permit reductions to the interior side yard setback, rear yard setback and building separation to facilitate the development of a garden suite in the rear yard of the property. Cumulatively, these deviations are expected to exacerbate privacy concerns and significantly exceed the general intent of zoning requirements leading to what is considered an overdevelopment of the rear yard. The subject property is located within an established low density residential neighbourhood that is largely characterized by single-detached dwellings with garages and driveways maintaining frontage onto the street. The proposed variances are considered to significantly reduce the amount of landscaped area on the subject property. The variances are not deemed to be desirable for the appropriate development of the land.

Variance 2 is requested to permit a driveway width of 7.96m which exceeds the requirements of the Zoning By-law. The proposed driveway extension functions in contravention of the City's Development Design Guidelines for residential neighbourhoods, which provides guidelines for neighbourhoods character, design, and streetscapes among other elements. The requested variances result in limiting the amount landscaped area along the side lot line, which is intended to visually function as a break between hardscaped areas in order to frame the neighbourhood and reduce the impact of driveways on the streetscape. It is generally the desire of the City to balance driveways with landscaping to function as distinguished components of the streetscape, particularly with paired driveways. Furthermore, it is generally the desire of the City to maintain a driveway width that is parallel to the width of the garage. The requested variance 2 is generally not considered to maintain the general intent and function of the subject property, adjacent properties, and the neighbourhood. The requested variance is not considered desirable and appropriate development of the land.

### 4. Minor in Nature

The variances to allow a decreased interior side yard setback, rear yard setback and increased lot coverage will facilitate the construction of a garden suite. Staff are of the opinion that the proposed garden suite would ultimately detract from the intention of the Mature Neighbourhood policies of the Official Plan and lead to what is considered overdevelopment of the property. The combined impact of the variances demonstrates that the rear yard is too small to accommodate a garden suite without adversely affecting adjacent properties. Furthermore, the proposed development is anticipated to significantly reduce the outdoor amenity space for the primary residential dwelling, and create adverse impacts to adjacent properties due to the proposed location and configuration of the garden suite. In regards to Variance 2, the reduced landscape area in the front yard contributes to a sense that the property is dominated by hard landscaping facilitating the parking of an excessive number of vehicles. The variances are not deemed minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planner I

Appendix A – Site Visit



**Date:** November 13, 2018

**File:** A18-170

**Subject:** **Muhammad Muneeb Khan and Muhammad Salahuddin**  
Lot 163, Plan M-426,  
29 Torrance Wood, Brampton ON L6Y 2T1  
WARD: 4

**Contact:** Nasir Mahmood, Development Planner

**Recommendations:**

That application A18-170 is supportable, in part, subject to the following conditions being imposed:

1. That variance #3 (to permit an existing driveway width of 7.87m (25.82 ft.) be refused, and a maximum driveway width of 7.40m. (24.28 ft.) be approved;
2. That the driveway width be reduced to a maximum width of 7.40m. (24.28 ft.) and the permeable landscaped open space on the west/left side of the driveway restored within 90 days of the decision of approval or as extended at the discretion of the Director of Development Services upon receipt of a written request for extension from the owner;
3. That a building permit shall be obtained within 60 days of the decision of approval;
4. That drainage on the adjacent properties shall not be adversely impacted;
5. That drainage from the existing unheated addition shall flow into the applicant's property;
6. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice; and,
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.



## **Background:**

The applicants have submitted a Minor Variance application to seek relief of certain provisions of the Zoning By-law to allow an existing unheated addition to the living area within the minimum required rear yard, excess lot coverage, an existing driveway that exceeds the maximum width permitted by the by-law, and to permit eaves encroachment beyond the walls of the building addition that is in excess of the encroachment permitted by the by-law. All these works were completed without the approval of a Building Permit from the City. The property is situated within an Infill/ Mature Neighbourhood.

## **Existing Zoning:**

*The property is zoned 'Residential Single Detached B-Section 3166 (R1B-3166)', according to By-law 270-2004, as amended. It is also subject to the provisions of Section 10.27 Older, Mature Neighbourhoods of the By-law.*

## **Requested Variances:**

The applicants are requesting the following variances:

1. To permit a rear yard building setback of 6.5m (21.33 ft.) to an existing building addition whereas the by-law requires a minimum rear yard setback of 25% of the depth of the lot, equal to 8.25m (27.07 ft.);
2. To permit lot coverage of 31.43% whereas the by-law permits maximum lot coverage of 30%;
3. To permit an existing driveway width of 7.87m (25.82 ft.), whereas the bylaw permits a maximum driveway width of 6.71m (22.00 ft.); and,
4. To permit an eaves encroachment of 0.8m (2.62 ft.) beyond the wall of the building addition whereas the by-law permits a maximum eaves encroachment of 0.5m (1.64 ft.).

## **Current Situation:**

### **1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the Official Plan, and 'Residential Low Density' in the Fletchers Meadow Secondary Plan (Area 15). The property is also subject to the Older, Mature Neighbourhoods Official Plan policies.

In regards to the requested variance to permit the existing expanded driveway, one of the Residential Official Plan policies (Policy 4.2.1.14 (iii)) requires driveway design to relate to lot width. In addition, the objective of Residential Design Official Plan (Policy

4.2.7) is to avoid excessive parking of vehicles in the front yard on driveways and to promote a realistic driveway design that is complementary to the house and lot size. The current driveway width of 7.87m (25.82 ft.) which increases the parking capability in the front yard, is considered excessive and not a realistic design relative to the house and lot size. Staff have recommended condition #1 to not allow variance #3, and to reduce the driveway width to 7.40m. (24.28 ft.). The remaining variances have no impact with respect to the policies of the Official Plan. Subject to the recommended conditions, the driveway variance conforms to the Official Plan.

## 2. Conforms to the Intent of the Zoning By-law

The applicants are requesting approval for four variances. The first variance is to permit rear yard building setback of 6.5m (21.33 ft.) to an existing building addition whereas the by-law requires a minimum rear yard setback of 25% of the depth of the lot, equal to 8.25m (27.07 ft.). The purpose of the Zoning By-law in requiring a certain minimum rear yard setback is to ensure adequate open space is available as separation distance between dwellings, and enough amenity space is available to maintain the building. In the current case, a small unheated addition to the dwelling was made several years ago without causing any concerns to the neighbours. Despite this addition, the dwelling still has adequate amount of open space in the rear yard to provide the intended separation distance and amenity space for the dwelling. A condition is recommended limiting the variance to the extent shown in the sketch attached to the public notice to ensure that the setback variance does not apply cross the entire rear yard. Therefore, the intent of the Zoning By-law is maintained.

The second variance is to permit a small increase (1.43%) to the maximum lot coverage permitted by the by-law. The intent of the by-law in restricting lot coverage to a certain maximum percentage of the lot area is to ensure adequate amount of open space is available for landscaping, setbacks, parking and drainage. In the current case, the property has adequate amount of open space available for these purposes, and the proposed minor addition to the maximum permitted lot coverage will not adversely impact site functionality. Therefore, the intent of the by-law will be maintained.

The third variance is to permit an existing driveway width of 7.87m (25.82 ft.), whereas the by-law permits a maximum driveway width of 6.71m (22.00 ft.). The intent of the by-law in restricting the driveway width to a certain maximum size is to ensure driveways, and the potential parking of vehicles that driveways can accommodate, do not dominate the streetscape. A required maximum driveway width of 6.71 metres (22.00 feet) for this lot provides an appropriately sized driveway that leads to the garage, is complementary to the house and lot size, and contributes to providing an aesthetically pleasing public realm. The intent is also to ensure that enough amount of permeable landscaped open space is available in the front yard, and a consistent streetscape is achieved.

In the current case, the owner has paved some of the landscaped open space on each side of the driveway to achieve the current width. This widened driveway is able to accommodate the parking of three vehicles. The minimum parking requirement in the

Zoning By-law for single-detached dwellings City-wide is two (2) spaces for each dwelling. The design of this dwelling, which includes a garage and the ability to park two (2) vehicles in the permitted driveway width of 6.71 metres (22.00 feet), provides an adequate number of parking spaces for this single detached dwelling. The width of the existing driveway allowed for one (1) additional vehicle to be parked in the driveway for a total of three (3) spaces on the driveway (in addition to the two parking spaces within the garage) and does not meet the general intent of the Zoning By-law. Widening of the driveway has also reduced the overall width of the permeable landscaped open space available at the front by approximately 1.16m (3.80 ft.). Adequate amount of permeable landscaped open space setback, which complies with the minimum required by the by-law, is still available on the east/right side of the driveway. In order to achieve a generally realistic driveway design that is complementary to the house and lot size, to minimize the loss of the permeable landscaped open space, and to ensure a consistent streetscape, staff recommend that approximately 0.47m. (1.5 ft.) wide brickwork completed by the owner on the west/left side of the paved driveway be removed, and permeable landscaped open space restored. Staff recommend approval of a reduced driveway width of 7.4m (24.28 ft.) for this property. Condition # 1 and 2 have been included to achieve these objectives.

The fourth variance is to permit an eaves encroachment of 0.8m (2.62 ft.) beyond the walls of the building addition whereas the by-law permits a maximum eaves encroachment of 0.5m (1.64 ft.). The intent of the by-law in restricting the eaves encroachment to a certain maximum size is to ensure that storm water from the property's roof flows into the property without impacting the adjacent properties. In the current case, adequate amount of separation distance between the existing eaves and the property line is available for storm drainage. A condition has been included to contain the flow of storm water into the owner's property. Therefore, the intent of the by-law is maintained.

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

The proposed variances to allow a small existing unheated addition to the living area, a minor addition to the maximum permitted lot coverage, and a larger eaves encroachment, subject to the proposed conditions, will not significant impact drainage on the adjacent properties, the amount of amenity space or the landscaped open space on the subject lands. However, in view of its impact on driveway design that is complementary to the house and lot size, the permeable landscaped open space, and the area's streetscape, the proposed variance to permit a driveway width of 7.87m (25.82 ft.) is not considered desirable for the appropriate development of the property. With the recommended removal of the brickwork on the west/left side of the paved driveway and the reduction of the driveway width to the recommended 7.4m (24.28 ft.) width, the excessive vehicle parking in the front yard will be reduced, some of the lost landscape open space will be restored, and the streetscape will be enhanced. Appropriate conditions have been included to ensure the reduction of the existing driveway width and the restoration of the permeable landscaped open space. Subject to

the recommended conditions, the proposed variances are considered to be desirable for the appropriate development of the land.

#### 4. Minor in Nature

The proposed variances related to the addition of the living area, lot coverage and eaves encroachment, subject to the suggested conditions, do not have a significant impact on the drainage situation on the property or the adjacent properties, and allow for adequate amenity space. Through the recommended conditions, the driveway width will be reduced to achieve a driveway design that conforms to the house and lot size, and the permeable landscaped open space will be restored. Subject to the recommended conditions, the proposed variances are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in blue ink, consisting of a stylized, cursive name that appears to be 'Nasir' followed by a small mark.

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Nasir Mahmood MCIP, RPP  
Development Planner  
Planning and Development Services