



Report Committee of Adjustment

Filing Date: January 23rd, 2023

Hearing Date: March 7th, 2023

File: A-2023-0022

**Owner/
Applicant:** AFTAB IFTIKHAR AND NALIA ZAFAR

Address: 13 SANDY BEACH ROAD

Ward: WARD 6

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0022 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 the applicant be aware Engineering staff has identified an existing rear lot catch basin storm pipe running below grade within the side yard along the side of the house. Construction of the below graded entrance and required foundation may be impeded, and it would negatively impact the existing sewer pipe. It is recommended that the below grade entrance be located in the rear yard; and
 3. The owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances;
 4. That the below grade entrance shall not be used to access an unregistered second unit;
 5. That the owner shall obtain a building permit within 60 days of the decision of approval; and
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:**Existing Zoning:**

The property is zoned 'Residential Single Detached C Special Section 1123 (R1C-1123)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard, whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.34m (1.12 ft) to the proposed below grade entrance, whereas the by-law requires a 1.2m (3.94 ft) interior side yard setback;
3. To permit a driveway width of 8.09m (26.54 ft), whereas the by-law permits a maximum driveway width of 6.71m (22.01 ft); and
4. To permit 0.31m (1.02 ft) of permeable landscaping adjacent to the side lot line, whereas the by-law requires 0.60m (1.97 ft) of permeable landscaping adjacent to the side lot line.

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The property is designated 'Residential' in the Official Plan and further designated 'Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 40c). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are 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 in the required interior side yard, whereas the by-law does not permit a below grade entrance in the required interior side yard. Variance 2 is requested interior side yard setback of 0.34m (1.12 ft) to the proposed below grade entrance, whereas the by-law requires a 1.2m (3.94 ft) interior side yard setback. The intent of the by-law in prohibiting below grade entrances in the interior side yard where the opposite side yard setback is less than 1.2m (3.94 ft) is to ensure that sufficient space is maintained for both drainage purposes and overall access to the rear yard.

Through City of Brampton engineering staff review of the proposed development, it was determined that a sufficient area of 0.34m (1.12 ft) for drainage purposes are maintained (Appendix A). Engineering staff did note that an existing rear lot catch basin storm pipe running below grade within the side yard along the side of the house has been identified. Construction of the below graded entrance / required foundation may be impeded and ultimately negatively impact the existing sewer pipe. It is recommended that the below grade entrance be located in the rear yard. Despite the reduced interior side yard setback, staff are satisfied that the proposed side entrance maintains access to the rear yard through the provision of the two risers up and down on both sides of the landing. the addition of the

below grade entrance is not anticipated to negatively impact drainage or access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit and that the owner shall obtain a building permit within 60 days of the decision of approval. Subject to the recommended conditions of approval, Variances 1 and 2 maintain the general intent and purpose of the by-law.

Variance 3 is requested to permit a proposed driveway width of 8.09m (26.54 ft), whereas the by-law permits a maximum driveway width of 6.71m (22.01 ft). 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 an excessive number of vehicles to be parked in front of the dwelling. The existing driveway width is 5.59m (18.34 ft). Staff are of the opinion that the proposed driveway width expansion by 2.50m (8.20 ft) does not have the potential to allow an excessive number of vehicles to be parking in front of the dwelling due to the existing shrub landscaping abutting the driveway (see Appendix A). The existing shrub acts as a landscaping buffer along the property line that both ensures the property is not dominated by hardscaping and prevents any additional cars from being parked. In addition, the opposite side of the driveway and the curved L-shape design precludes any additional cars from being parked and will continue to function as a walkway to the main entrance. Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the by-law.

Variance 4 is requested to permit 0.31m (1.02 ft) of permeable landscaping adjacent to the side lot line, whereas the by-law requires 0.60m (1.97 ft) of permeable landscaping adjacent to the side lot line. The intent of the by-law in requiring minimum permeable landscaping is to ensure that sufficient space is provided to allow for drainage and that the property is not dominated by hardscaping. While full landscaping requirements of the Zoning By-law are not maintained, Staff are of the opinion that 0.31m (1.02 ft) of permeable landscaping provides sufficient area for drainage purposes and ensures the property is not dominated by hardscaping. A condition of approval is recommended that the owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances. Subject to the recommended conditions of approval, Variance 4 maintains the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit proposed location of a below grade entrance, a reduced interior side yard setback, existing site conditions for driveway width, and a reduced permeable landscaping strip. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. The existing curved L-shaped design of the driveway portion fronting the dwelling entrance area also allows the property to maintain front yard landscaped open space. Furthermore, the entrance walkway area includes two riser steps that also prevents any additional cars from being parked.

Subject to the recommended conditions of approval, Variances 1, 2, and 4 are desirable for the appropriate development of the land.

Variance 3 is requested to permit proposed site conditions for increased driveway width requirements. Staff have determined that the requested driveway width expansion by 2.50m (8.20 ft) does not allow an excessive number of vehicles to be parked on the property. Furthermore, the existing driveway's curved L-shaped design fronting the main entrance steps allows for the property to maintain landscaped open space, which also prevents additional vehicles from being parked.

A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit and that the owner shall obtain a building permit for the below grade entrance within 60 days of approval. Furthermore, a condition of approval that the owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances. Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

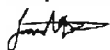
The proposed location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard or drainage on adjacent properties. Staff have determined that sufficient space is provided to allow for drainage and access to the rear yard, no negative impacts to drainage or access are anticipated, and that the proposed below grade entrance is appropriate given the site context. It is noted that Engineering Staff identified an existing rear lot catch basin storm pipe running below grade within the side yard along the side of the house. Construction of the below graded entrance / required foundation may be impeded and ultimately negatively impact the existing sewer pipe. It is therefore recommended that the below grade entrance be located in the rear yard.

The proposed reduced permeable landscaping is not considered to cause the property to be dominated by hardscaping or impact drainage on adjacent properties. Staff are of the opinion that sufficient area for drainage is provided despite the reduced landscaping, and that the proposed driveway widening will not dominate the front yard landscaped area.

The proposed increased driveway width requirements were determined by Staff to provide a clear path of travel to the main entrance and prohibit an excessive number of cars to be parked in front of the dwelling.

Subject to the recommended conditions of approval, variances 1, 2, 3 and 4 are considered to be minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Site Visit Photos:

