

Filing Date: October 14, 2020
Hearing Date: February 16, 2021

File: A-2020-0116

**Owner/
Applicant:** MUHAMMAD AND KANEEZ AKRAM

Address: 221 Queen Street West

Ward: 3

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2020-0116 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 Public Notice;
2. That a Grading and Servicing Plan and Stormwater Management Brief shall be approved prior to construction of the driveway and parking area to the satisfaction of the Commissioner of Public Works and Engineering, prior to the establishment of the use;
3. That the existing wood screening fence remain constructed in its current location and height and shall not be removed, lowered, or replaced with a non-wood screening style of fencing;
4. 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 B (R1B)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a home occupation (law office) to occupy 26.9% of the gross floor area of the dwelling whereas the by-law limits the area associated with a home occupation to a maximum of 15% of the floor area of the dwelling;
2. To permit the rear yard to be paved for the purpose of parking whereas the by-law does not permit the rear yard to be paved for parking purposes;
3. To permit 0.0m of permeable landscaping along the interior side lot lines whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the extended driveway/parking area and the interior side lot lines.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated "Central Area" in the Official Plan and "Central Area Mixed Use" in the Downtown Brampton Secondary Plan (Area 7). The Central Area Mixed Use designation is intended to accommodate mixed-use developments incorporating a combination of a range of uses, including but not used to office and residential uses. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Official Plan.

Variances 2 and 3 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 of the Official Plan.

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

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended.

Variance 1 is to permit a home occupation (law office) to occupy 26.9% of the gross floor area of the dwelling whereas the by-law limits the area associated with a home occupation to a maximum of 15% of the floor area of the dwelling. The intent of the by-law in regulating the maximum permitted floor area for home occupations within a dwelling is to ensure that the primary function of the dwelling remains residential in nature and that the home occupation is subordinate to the residential use.

In the case of the subject property, the home occupation will occupy two offices on the main floor of the dwelling with the remainder of the dwelling being used as a residential dwelling. A condition of approval is recommended that the variance be limited to the extent identified on the sketch attached to the public notice to ensure that the office operation does not expand beyond what is proposed within the scope of this application. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit the rear yard to be paved for the purpose of parking whereas the

by-law does not permit the rear yard to be paved for parking purposes. The intent of the by-law in prohibiting the rear yard to be paved for the purposes of parking is to ensure that amenity space is provided for the residential property, and that some landscaped area is maintained for the property. In the case of the subject property, the portion of the rear yard to be paved for the purposes of parking does not encompass the entire rear yard and leaves a sufficient area of landscaped outdoor amenity space for the property. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit 0.0m of permeable landscaping along the interior side lot lines whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the extended driveway/parking area and the interior side lot lines. The intent of the by-law in requiring a minimum permeable landscape strip along the interior lot line is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

In the case of the subject property, the existing portion of the driveway is considered to be legal non-conforming with regard to the 0.0m permeable landscaping strip. The requested variance is needed to permit the continuation of that driveway into the rear yard to access the proposed parking area. A condition of approval is recommended that a Grading and Servicing Plan and Stormwater Management Brief shall be approved prior to construction of the driveway to the satisfaction of the Commissioner of Public Works and Engineering to ensure that the drainage design for the property is compatible with the surrounding properties. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is intended to permit the use of two offices on the ground floor of the dwelling to be used for the purposes of a law office as a home occupation. Given the size of the two offices relative to the dwelling, Variance 1 is requested. It is not anticipated that the increase in permitted floor area from 15% to 26.9% will significantly detract the primary residential use of the property, and will allow the property owner to operate their business from their residence. Additionally, this style of home occupation is common in this area of the City and considered to be in keeping with the character of the neighbourhood. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variances 2 and 3 relate to a proposed paved area in the rear yard of the property that is intended to facilitate a parking area as well as an appropriate turning hammerhead for the parking area. The paved area will be located toward the rear lot line, leaving a significant portion of the rear yard as landscaped amenity space, including an existing deck. The paved area has been designed in consultation with City staff to provide appropriate area to maneuver within the property and avoid creating the need to reverse or maneuver awkwardly onto Queen Street West.

A condition of approval is recommended that the existing fence remain constructed in its current location and height and shall not be removed, lowered, or replaced with a see-through style of fencing. This condition is intended to ensure that the proposed parking area remains fully screened from adjacent residential properties. A further condition is recommended that a Grading and Servicing Plan and Stormwater Management Brief shall be approved prior to construction of the driveway to the satisfaction of the Commissioner of Public Works and Engineering. This will allow City staff to review the proposed grading and design of the paved area to ensure it does not negatively impact drainage for the subject property or adjacent properties. Subject to the recommended conditions of approval, Variances 2 and 3 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is to permit an increase in permitted floor area from 15% to 26.9% for a home occupation. This increase of 11.9% is representative of the floor area of two existing office spaces on the main floor of the dwelling and is not anticipated to impact the primary residential function of the dwelling. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variances 2 and 3 relate to permitting the rear yard to be paved in conjunction with a proposed parking area. The requested variances are anticipated to facilitate the creation of a parking area that will allow an orderly flow of vehicles on the property in conjunction with the home occupation. Subject to the recommended conditions of approval, Variances 2 and 3 are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I