

Filing Date: April 27, 2021

Hearing Date: June 1, 2021

File: A-2021-0101

**Owner/
Applicant:** **VIPAN GOYAL & SHEENA GOYAL**

Address: **62 WHITE TAIL CRESCENT**

Ward: 4

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0101 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 at grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the existing municipal curb depression shall not be widened in the area of the extended driveway width;
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D)', *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing door on the side wall of the dwelling (proposed to access a second unit) located within 1.05m (3.44 ft.) of the side lot line whereas the By-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit;
2. To permit 0.15m (0.49 ft.) of permeable landscaping along the side lot line whereas the By-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) between the driveway and 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 'Medium Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). It is noted that City Council formally deleted Section 3.2.8.2 of the Official Plan relating to Second Units and includes Policy 3.2.8.2 (d) which states "where an application for a second dwelling unit fails to conform to any of the requirements of the implementing Zoning By-law, a Zoning By-law amendment shall be required". As a result, and 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

The property is zoned Residential Single Detached D (R1D), according to By-law 270-2004, as amended.

Variance 1 is to permit an existing door on the side wall of the dwelling (proposed to access a second unit) located within 1.05 metres (3.44 ft.) of the side lot line whereas the By-law requires a minimum unencumbered side yard width of 1.2 metres (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit. The intent of the By-law in requiring an unobstructed 1.2 metres (3.94 ft.) path of travel to the primary entrance of a second unit is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

The variance is required to allow the existing at grade entrance door which was originally built by the builder of the dwelling, to be used as the primary entrance for a second unit situated in the basement. The requested variance proposes a reduction of 15 centimetres (5.90 inches) to the path of travel which is reflective of the side yard setback on the property. The proposed reduced path of travel is anticipated to provide sufficient access to the entrance of the second unit. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is to permit 0.15m (0.49 ft.) of permeable landscaping along the side lot line whereas the By-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) between the driveway and

the side lot line. Variance 2 is required for the existing hard landscaping path of travel to the side entrance which was identified by staff following a site inspection.

The intent of the By-law in requiring a minimum permeable landscape strip along the lot line is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted. Staff have reviewed the variance and the reduced permeable landscape strip along the lot line is not anticipated to negatively impact drainage on the subject property and adjacent properties. A condition of approval is recommended so that drainage on adjacent properties shall not be adversely affected. The requested variance is 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 facilitate the registration of a second unit within the existing residential dwelling. An existing at grade side entrance is proposed to provide primary access to the second unit and requires a minimum unencumbered side yard width of 1.2 metres to be provided as a path of travel from the front yard to the entrance for a second unit. The proposed reduction to the path of travel of 15 centimetres (5.90 inches) is minor and is not considered to have significant functional impact. It will allow for a path of travel that provides sufficient access to the entrance of the second unit. The requested variance is considered to be desirable for the appropriate development of the land.

Variance 2 is requested to allow the existing 0.15m (0.49 ft.) of permeable landscaping along the side lot line. The existing hard landscaping strip is situated along the side lot line and extends along the driveway from the street to the rear yard. A condition of approval is recommended that the existing municipal curb depression shall not be widened in the area of the extended driveway width. Subject to the recommended conditions, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance to permit an existing door on the side wall of the dwelling (proposed to access a second unit) located within 1.05m (3.44 ft.) of the side lot line will accommodate an entrance to a second unit with a reduced path of travel. The variance to permit 0.15m (0.49 ft.) of permeable landscaping along the side lot line is requested for an existing hard landscaping treatment extending along the driveway from the street to the rear yard. The proposed variances are nominal in nature and are not anticipated to negatively impact the provision of area to be used as the path of travel or affect the drainage on the property. The requested variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I