

Filing Date: August 28, 2020
Hearing Date: September 29, 2020

File: A-2020-0077

**Owner/
Applicant:** DEVINDER VIRK – VALIUDDIN MOHAMMED

Address: 30 Clarridge Court

Ward: 5

Contact: Shelby Swinfield, Development Planner 1

Recommendations:

That application A-2020-0077 is not supportable.

Background:Existing Zoning:

The property is zoned 'Residential Townhouse A (2) Special Section 228 (R3A(2)-228)' according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a 1.09 metres (3.58 feet) path of travel to a door to be used as a primary access to a second unit whereas the by-law requires an unobstructed 1.2 metres (3.94 feet) path of travel to a primary access to a second unit.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' by the Official Plan and 'Medium Density Residential' in the Brampton Flowertown Secondary Plan (Area 6).

The variance is requested to permit a reduced path of travel to the primary entrance of a registered second unit.

Official Plan Section 3.2.8.2 provides the policies for Second Units. Policy 3.2.8.2(d) explicitly states that “where an application for a second unit fails to conform to any of the requirements of the implementing Zoning By-law, a Zoning By-law Amendment shall be required.”

In this instance, the requested variance is to vary provisions of what is considered to be the “implementing by-law” noted within the Official Plan and therefore, the requested variance is not considered to maintain the intent of the Official Plan.

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

The property is zoned ‘Residential Townhouse A (2) Special Section 228 (R3A(2)-228), which permits single detached dwellings, semi-detached dwellings, townhouse dwellings, group homes, a place of worship and accessory uses.

The requested variance is to permit a 1.09 metres (3.58 feet) path of travel to a door to be used as a primary access to a second unit whereas the by-law requires an unobstructed 1.2 metres (3.94 feet) path of travel to a primary access to a second unit. In the case of the subject property, the entrance to the second unit is located in the rear yard and neither side yard of the property has a setback of 1.2 metres (3.94 feet) between the dwelling and property line.

The intent of the By-law in requiring an unobstructed 1.2m (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 every day and emergency purposes. The requested variance proposes a reduction of 11cm (4 in) 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 of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is needed to facilitate the registration of a second unit within the existing residential dwelling. A below grade entrance is proposed in the rear yard of the property, which requires one of the side yards of the property to be used as the main path of travel to that entrance. Given that neither side yard of the property has a setback of 1.2 metres or more, neither side yard meets the required width for the path of travel. The proposed reduction to the path of travel of 11cm (4 in) 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.

4. Minor in Nature

The proposed variance will accommodate an entrance to a second unit with a reduced

path of travel. The proposed reduction is nominal in nature and is not anticipated to negatively impact the provision of area to be used as the path of travel. The requested variance is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Development Planner