

Filing Date: 17-Mar-2021

Hearing Date: 20-Apr-2021

File: A-2021-0054

**Owner/
Applicant:** Shriniwas Pasnur – Salman Ellahi

Address: 3 DELPHINIUM WAY, BRAMPTON, ON L7A0N4

Ward: 2

Contact: Tejinder Sidhu, Planner I, Development

Recommendations:

That application A-2021-0054 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 the below grade entrance shall not be used to access an unregistered second unit;
 3. That the pathway to the below grade entrance is free of any obstructions including the existing landscaping located at the front of the house;
 4. That the extended portion of the driveway shall not be parked or driven upon at any time by the whole or a part of a motor vehicle; and
 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 F – Special Section 3458 (R1F-11.6-3458)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a below grade exterior stairway in the required side yard having a setback of 0.0m to

the side lot line and where a continuous side yard width of 1.24m (4.07 ft.) is provided on the opposite side of the dwelling whereas the by-law only permits a below grade exterior stairway in the required interior side yard where a minimum 0.3m (0.98 ft.) setback to the side lot line is maintained and where a minimum 1.2m (3.94 ft.) continuous side yard width is provided on the opposite side of the dwelling; and

2. To permit a driveway width of 6.81m (22.34 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated as 'Residential' in the Official Plan (Schedule A, General Land Use Designations) and 'Low/Medium Density Residential' in the Northwest Sandalwood Parkway Secondary Plan (Area 2A).

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 of the Official Plan.

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

The property is zoned 'Residential Single Detached F – Special Section 3458 (R1F-11.6-3458)', according to By-law 270-2004, as amended.

Variance 1 is intended to facilitate a below grade entrance within the interior side yard of the property with a reduced interior side yard setback. The intent of the by-law in regulating exterior stairways constructed below the established grade in an interior side yard as well as requiring a minimum setback for interior side yards is to ensure that sufficient area is maintained to access the rear yard. For this application, the proposed below grade exterior stairway in the required side yard has a setback of 0.0 m to the lot line. As a continuous side yard width of 1.24m (4.07 ft.) is still maintained on the opposite side of the dwelling, the intent of the by-law is still achieved. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent of the by-law.

Variance 2 is requested to permit an extended driveway width of 6.81 m (22.34 ft.) whereas a maximum width of 6.71m (22 ft.) is permitted. The extended portion of the driveway is to be used as a walkway which still falls under the definition of a driveway within the zoning by-law. The intent of the by-law in regulating maximum driveway width is to ensure an excess number of vehicles aren't parked on the driveway. A condition of approval is recommended that the extended portion of the driveway shall not be parked or driven upon at any time by the whole or a part of a motor vehicle. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent of the by-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to facilitate a partial below grade entrance within the interior side yard of the property with a reduced side yard width. The intended use of this entrance is to create a second

dwelling unit on the property. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. This will ensure that any second units will be in compliance with the Ontario Building Code (OBC). Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is requested to permit an extended driveway width of 6.81 m (22.34 ft.) whereas a maximum width of 6.71m (22 ft.) is permitted. The intent of the driveway is to provide a walkway which also contributes positively to the aesthetic quality of the property. A condition of approval is recommended that the extended portion of the driveway shall not be parked or driven upon at any time by the whole or a part of a motor vehicle. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent of the by-law

4. Minor in Nature

Variance 1 is required to facilitate a below grade entrance in the interior side yard. A continuous side yard width of 1.24m (4.07 ft.) is maintained on the opposite side of the dwelling and will provide access to the rear yard. As such, the below grade entrance in the interior side yard width is not anticipated to negatively impact access to the rear yard. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 2 is requested to permit an extended driveway width which will facilitate the existing driveway on the property as well as the walkway portion of the driveway. The extended driveway portion of the driveway is not contemplated to provide parking for an additional vehicle and positively contributes to the aesthetic character of the property. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Respectfully Submitted,

T. Sidhu

Tejinder Sidhu, Planner 1, Development