



Report Committee of Adjustment

Filing Date: September 6, 2022

Hearing Date: October 4, 2022

File: A-2022-0283

**Owner/
Applicant:** BHOLA JADUNANDAN AND DAIAWANTIE JADUNANDAN

Address: 19 CASPER CRESCENT

Ward: WARD 3

Contact: Mohammed Jalabi, Assistant Development Planner

Recommendations:

That application A-2022-0283 is supportable, 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 below grade entrance shall not be used to access an unregistered second unit;
 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 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 (R1C-1318)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;
2. To permit an exterior side yard setback of 2.47m (8.10 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
3. To permit a driveway width of 9.0m (29.53 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To permit 0.1m (0.33 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.
5. To permit a minimum separation distance of 5.1m (16.73 ft.) to a driveway from the projected point of intersection of two streets whereas the by-law requires a minimum separation distance of 6.0m (19.68 ft.) between a driveway and the projected point of intersection of two streets.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Fletchers Creek South Plan (Area 26). The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The first variance is requested to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below grade entrances between the main wall of the dwelling and the flankage lot line. The second variance is requested to permit an exterior side yard setback of 2.47 m (8.10 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0 m (9.84 ft.). The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that sufficient space is maintained for drainage and access to the rear yard and that the below grade entrance does not negatively impact the overall streetscape.

The proposed stairway leading to a below grade entrance encroaching into the required interior side yard is not anticipated to have significant impact on drainage and sufficient space of 2.47 m (8.10 ft.) is maintained for access to the rear yard. Furthermore, the entrance will be located behind a fence thus reducing visual impacts to the streetscape. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

The third variance is requested to permit a driveway width of 9.0m (29.53 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 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 excessive number of vehicles to be parked in front of the dwelling.

The existing concrete driveway was widened on both sides to a total width of 9.0m (29.53 ft.). Therefore, the existing driveway is 2.29m (7.53 ft.) wider than what the by-law permits. The increased width is not considered to significantly impact drainage or contribute to a substantial loss of landscaped lot on the property. The property still maintains a considerable amount landscaping given that it is a corner lot. Furthermore, the existing conditions of the driveway are not out of character for the area. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

The fourth variance seeks to permit 0.1m (0.33 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line. The intent of the by-law in maintaining a minimum permeable landscape is to provide for enough property drainage and open space for landscaping. The subject property is a corner lot and as such sufficient permeable landscaping is available. Upon staff inspection, it was found that there is sufficient amount of open landscaping on the front of the property to keep the visual aesthetic of the property from being overshadowed by an extended driveway. Furthermore, the extended driveway is not considered to pose significant risk to drainage. Variance four is considered to maintain the general intent and purpose of the Zoning By-Law.

The fifth variance seeks to permit a minimum separation distance of 5.1m (16.73 ft.) to a driveway from the projected point of intersection of two streets whereas the by-law requires a minimum separation distance of 6.0m (19.68 ft.) between a driveway and the projected point of intersection of two streets. The intent of the by-law to maintain a separation distance is to allow for sufficient space between any structures and vehicles from the roadways and pedestrian walkways. Upon staff inspection it was noted that sufficient space is available between structures and vehicles and the request does not impact safety. It was seen that enough space is available between the driveway and projected point of intersection. Variance 5 is considered to maintain the general intent and purpose of the Zoning By-Law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit a below grade entrance along with exterior side yard setback, an extended driveway width, and decrease to the minimum separation distance and reduced permeable landscape. 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 condition of approval, the variances are considered desirable for the appropriate development of the land as they do not generate negative impacts on-site or off-site.

4. Minor in Nature

The requested variances for the construction of a below grade entrance are not considered to have significant impact on drainage or limiting access to the property. The entrance will be screened behind a fence. Variances 1 and 2 are deemed minor in nature. The requested variances 3 and 4 for the existing widened drive way and reduction in permeable landscape is not anticipated to impose any

negative impacts on the property or any negative impacts on the property or any of the surrounding properties. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner