

Filing Date: October 8, 2020
Hearing Date: November 10, 2020

File: A-2020-0106

**Owner/
Applicant:** BALWINDER SRAN

Address: 25 Higgins Crescent

Ward: 3

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0106 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. 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
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 C – Special Section 3227 (R1C-3227)” according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required

interior side yard whereas the by-law does not permit exterior stairways constructed below grade in the required interior side yard;

2. To permit an interior side yard setback of 0.79m (2.60 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit an existing driveway width of 7.34m (24.08 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 and “Low Density Residential” in the Brampton Flowertown Secondary Plan (Area 6). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is 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 C – Special Section 3227 (R1C-3227)” according to By-law 270-2004, as amended.

Variances 1 and 2 are intended to facilitate a below grade entrance within the interior side yard of the property. The intent of the by-law in prohibiting below grade entrances in and requiring a minimum setback for interior side yards is to ensure that sufficient area is maintained to access the rear yard. In the case of the subject property the side yard located opposite from the below grade entrance has a setback of at least 1.2m (3.96 ft) which provides sufficient room to access the rear yard. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested to permit an extended driveway width of 7.34m (24.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). The extended portion of the driveway is a poured concrete area intended to be used as a walkway, however due to the definition of driveway within the zoning by-law, it is considered to be part of the driveway. The intent of the by-law in regulating maximum driveway width is to ensure that the driveway does not facilitate the parking of an excess number of vehicles. A condition of approval is recommended 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 to ensure that the portion of the driveway intended to be used as a walkway functions only as such. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to facilitate a below grade entrance within the interior side yard of the property. 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 not be used to access an unregistered second unit to ensure that any second units are in compliance with the Ontario Building Code (OBC). Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit an existing driveway width of 7.34m (24.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). The extended portion of the driveway is intended to serve as a walkway and contributes positively to the aesthetic quality of the property. A condition of approval is recommended 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 to ensure that the extended portion is not used for parking vehicles and remains as a walkway. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are intended to facilitate a below grade entrance in the interior side yard. Due to the setback on the adjacent side of the dwelling the location of the entrance is not anticipated to negatively impact access to the rear yard. Subject to the recommended conditions of approval Variances 1 and 2 are considered to be minor in nature.

Variance 3, to permit an extended driveway width, is required to facilitate the existing driveway on the property which has a poured concrete "walkway" portion attached. This extra area of driveway is not anticipated to provide parking for an additional vehicle and contributes positively to the aesthetic character of the property. Subject to the recommended conditions of approval, Variance 3 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development