

**Filing Date:** October 13, 2020  
**Hearing Date:** November 10, 2020

**File:** A-2020-0111

**Owner/  
Applicant:** MANJIT KAUR GREWAL

**Address:** 87 Wooliston Crescent

**Ward:** 4

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That application A-2020-0111 is supportable in part, subject to the following conditions being imposed:

1. That Variance 2 be approved to a maximum width of 7.02 metres (23.03 feet) and that the extended portion of the driveway shall be removed within 90 days and said removal shall be demonstrated to the satisfaction of the Director of Development Services within 90 days, or within an extended period of time as approved by the Director of Development Services
2. That Variance 3 be refused and the 0.6m permeable landscape strip shall be reinstated and said reinstatement shall be demonstrated to the satisfaction of the Director of Development Services within 90 days, or within an extended period of time as approved by the Director of Development Services;
3. That the extent of Variance 1 be limited to the extent shown on the sketch attached to the public notice;
4. That the fence remain constructed in its current location and height and shall not be removed or lowered;
5. That the below grade entrance shall not be used to access an unregistered second unit;
6. 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;
7. That the applicant obtain a building permit for the below grade entrance and

enclosure within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and

8. 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 exterior side yard setback of 2.526m (8.29 ft.) to an enclosed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
2. To permit an existing driveway width of 8.32m (27.30 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit a 0.0m permeable landscape strip abutting a property line whereas the by-law requires a minimum 0.60m (1.97 ft.) permeable landscape strip.

**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 variances are not considered to have significant impacts within the context of the Official Plan and, subject to the recommended conditions of approval, 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 D (R1D)" according to By-law 270-2004, as amended.

Variance 1 is to permit a reduced setback to an enclosed below grade entrance of 2.526m (8.29 ft.) to an enclosed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). The intent of the by-law in requiring a minimum exterior side yard setback to an enclosure is to ensure that there are no negative massing or visual impacts on the streetscape. The below grade entrance and enclosure is proposed to be behind a solid wood board fence which screens the entrance from the streetscape, minimizing its impacts on the street. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered to ensure that screening is

maintained. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit an existing driveway width of 8.32m (27.30 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). Variance 3 is to permit a 0.0m permeable landscape strip abutting a property line whereas the by-law requires a minimum 0.60m (1.97 ft.) permeable landscape strip

The intent the by-law of regulating driveway width is to ensure that driveways, and the potential parking of vehicles that driveways can accommodate, does not dominate the streetscape, and the intention of requiring a 0.6m (1.97 ft.) permeable landscape strip between the driveway and property line is to ensure sufficient area is provided for drainage. There is concrete paving from the asphalt portion of the driveway to the lot line. As the concrete inhibits proper drainage, Variance 3 is not considered to maintain the general intent of the Zoning By-law.

Variance 2, relating to the driveway width is in regard to extended portions on both sides of the driveway. A condition of approval is recommended that Variance 2 be approved to a maximum width of 7.02m (23.02 ft) which will facilitate the removal of the concrete in the permeable area and between the asphalt and the interior lot line, but allow the walkway portion of the driveway on the other side to remain. A condition of approval is recommended that no part or whole of a vehicle shall be parked upon the extended portion at any time to ensure that the main function remains as a walkway. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a reduced setback to an enclosed below grade entrance in the exterior side yard. This proposed enclosure of the below grade entrance is not anticipated to have any negative impacts on the streetscape as it will be located behind the existing wood board fence. A conditions of approval are recommended that the entrance not be used to access an unregistered second unit, and that a building permit be obtained for the below grade entrance within 60 days of the final date of the Committee's decision in order to ensure that the entrance, enclosure, and any associated second unit are all constructed in accordance with the Ontario Building Code. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variances 2 and 3 relate to an existing driveway that has been extended on both sides of the asphalt portion, including up to the interior property line.

Variance 3 is requested to allow a 0m permeable landscape strip. This reduction is anticipated to negatively impact drainage for the subject property and potentially the adjacent property. Variance 3 is not considered to be desirable for the appropriate development of the land.

Variance 2 is to permit the width of the extended driveway. While part of the extended portion interferes with drainage for the property and has been used for the parking of vehicles, the portion of the driveway extended toward the exterior lot line is intended to be used as a walkway. A condition of approval is recommended that Variance 2 be approved to a maximum width of 7.02 metres (23.03 feet) to allow the portion of the driveway that is used as a walkway to remain while facilitating the removal of the driveway portion interfering with the permeable landscape area. Further, a condition 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 to ensure its primary function is as a walkway. Subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variance 1 is related to a below grade entrance that is proposed to be enclosed within the exterior side yard. The entrance will be located behind a solid wood board fence and will be screened, having minimal impacts on the streetscape. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 3 is to permit a 0m permeable landscape strip adjacent to the driveway, however this reduction is anticipated to interfere with proper drainage for the property. Variance 3 is not considered to be minor in nature.

Variance 2 is in regard to the existing driveway which has been extended for the purpose of a walkway, and to provide additional parking. A condition of approval is recommended that Variance 2 be approved to a maximum width of 7.02 metres (23.03 feet) to allow the portion of the driveway that is used as a walkway to remain while facilitating the removal of the driveway portion interfering with the permeable landscape area and being used for extra parking. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I, Development