



## Report Committee of Adjustment

**Filing Date:** May 2, 2023  
**Hearing Date:** May 30, 2023

**File:** A-2023-0135

**Owner/  
Applicant:** AMIT MALHOTRA AND MONIKA MALHOTRA

**Address:** 10 Roundstone Drive

**Ward:** WARD 5

**Contact:** Rajvi Patel, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0135 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 Notice of Decision;
  2. The owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
  3. That the side door shall not be used as a primary entrance to a registered or unregistered second dwelling unit;
  4. 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;
  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 (R1D-1307)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.66m (2.17 ft.) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a driveway width of 7.01m (23 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.31m (1.02 ft.) of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

**Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density 2' in the Credit Valley Secondary Plan (Area 45). The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is currently zoned 'Residential Single Detached D,' Special Section 1307 (R1D-1307), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.66m (2.17 ft.) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum setback of 1.2m (3.94 ft.) from the side yard to an above grade door where access is provided through a door located in the side yard or rear yard is to ensure that there is sufficient access to the dwelling for both every day and emergency purposes.

The first variance is related to the interior side yard setback resulting from the as built above grade door. The 0.66m (2.17 ft.) setback is considered to provide sufficient space for drainage and access to the rear yard. The reduced interior side yard setback is not considered to significantly impact secondary access to the entrance located at the side of the dwelling but is not suitable for the primary access to a secondary suite. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a driveway width of 7.01m (23 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 for an excessive number of vehicles to be parked in the front of the dwelling.

The existing driveway is 0.30m (0.98 ft.) wider than what the by-law permits. Given the modest increase in driveway width, staff are of the opinion that the extended driveway area is not significantly impacting drainage or contributing to a substantial loss of landscaped open space on the property. The remaining landscaped and permeable area is deemed appropriate relative to the size of the subject property. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit 0.31m (1.02 ft.) of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line. The intent of the by-law in requiring a minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The applicant is requesting a 0.29m (0.95 ft.) reduction to the permeable landscaping between the driveway and the side lot line from what the by-law permits. Staff are of the opinion that the reduced landscape strip does not significantly impact drainage or contribute to a substantial loss of landscaped open space on the property. Variance 3 maintains the general intent and purpose of the Zoning By-law.

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

Variance 1 is requested to permit a reduced interior side yard setback to an existing above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. A condition of approval is recommended that the entrance to the dwelling is not used for a registered or unregistered second unit dwelling as there is not enough space in the interior side yard to act as a primary entrance to a residential unit. A further condition of approval is recommended that the owner shall obtain a building permit for the side door within 60 days of the decision of approval or as extended by the Chief Building Official. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit an existing driveway width 0.30m (0.98 ft.) larger than the maximum permitted width of 6.71m (22 ft.). The visual impact of the existing driveway is minimal and not considered to pose significant issues of drainage on adjacent properties. The variance is considered to be desirable for the appropriate development of the land.

4. Variance 3 is requested to permit a reduction in the required permeable landscaped area adjacent to the driveway. The requested reduction is not anticipated to negatively impact drainage on the property or adjacent properties or contribute to a substantial loss of landscaped open space on the property. Variance 3 is considered to be desirable for the appropriate development of the land.  
Minor in Nature

Variations 1 and 2 which propose to accommodate a reduced interior side yard setback and increase in driveway width are not anticipated to result in adverse impacts on access to the rear yard, impede access to the front entrance of the dwelling or facilitate the parking of additional vehicles. Subject to the recommended conditions of approval, Variations 1 and 2 are considered minor in nature.

Variance 3 is required to permit a reduced permeable landscaped area adjacent to the driveway. The reduction is not anticipated to impact drainage on the property or those adjacent to it. Furthermore, the reduced landscape area does not detract from the provision of landscaped open space. Variance 3 is considered minor in nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Assistant Development Planner

**Appendix A – Existing Site Conditions**

