



Report Committee of Adjustment

Filing Date: October 13, 2023
Hearing Date: December 19, 2023
File: A-2023-0321
**Owner/
Applicant:** Bhupinder Seera
Address: 4 Lawnview Court
Ward: WARD 2
Contact: Charles Ng, Planner I

Recommendations:

That application A-2023-0321 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. That the below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties and the subject property shall not be adversely affected;
and
 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:

The applicant has submitted a Minor Variance Application to permit an exterior stairway leading to a below grade entrance in the side yard and relief from setback requirements.

Existing Zoning:

The subject property is zoned 'Residential Semi-Detached R2A(2)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.58 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres; and
2. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required side yard.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan, and further designated 'Medium Density Residential' in the Snelgrove-Heart Lake Secondary Plan (Area 1). In relation to the council approved Brampton Plan, the subject property is designated as 'Neighbourhoods', as per Schedule 2 – Designations. The 'Residential' designation in the Official Plan permits residential uses as well as other complementary uses. The 'Neighbourhoods' designation in the council approved Brampton Plan permits a broad range of residential uses and neighbourhood-supportive commercial uses, community services, and facilities that supports 15-minute neighbourhoods. The 'Medium Density Residential' designation in the Secondary Plan permits a range of residential uses and densities in accordance with Section 4.2.1.2 of the Official Plan.

The requested variances are considered to maintain the general intent, purpose, and function of the 'Residential', 'Neighbourhoods', and 'Medium Density Residential' designations. The requested variances are not considered to have significant impacts within the context of the applicable planning policy framework.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit an interior side yard setback of 0.58 metres (1.90 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 1.2 metres (3.93 feet). Variance 2 is requested to permit an exterior stairway leading to a below grade entrance located in the required interior side yard, whereas the by-law does not permit below grade entrances in the required interior side yard. The intent of the by-law in prohibiting an exterior stairway to a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still allowing access to the rear yard.

The exterior stairway leading to a below grade entrance is proposed to be located in the interior side yard with a remaining interior side yard setback of 0.58 metre. The proposed exterior stairway leading to a below grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of side yard is maintained for site circulation on either side of the dwelling. Additionally, there are no anticipated impacts to drainage.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed exterior stairway leading to a below grade entrance is located within the required interior side yard and is not anticipated to significantly affect the subject property or adjacent properties. The requested variances will facilitate the construction of a new entrance serving as the primary entry and exit for a second dwelling unit in the basement of the dwelling. The requested variances are considered to maintain the general intent and function of the subject property. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied with the current proposal as an unobstructed path of travel to and from the front and rear yard is maintained on either side of the dwelling.

Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The proposed exterior stairway leading to a below grade entrance and associated relief from setback requirements from 1.2 metres (3.93 feet) to 0.58 metres (1.90 feet) in the required interior side yard is not anticipated to negatively impact drainage or access to the rear yard.

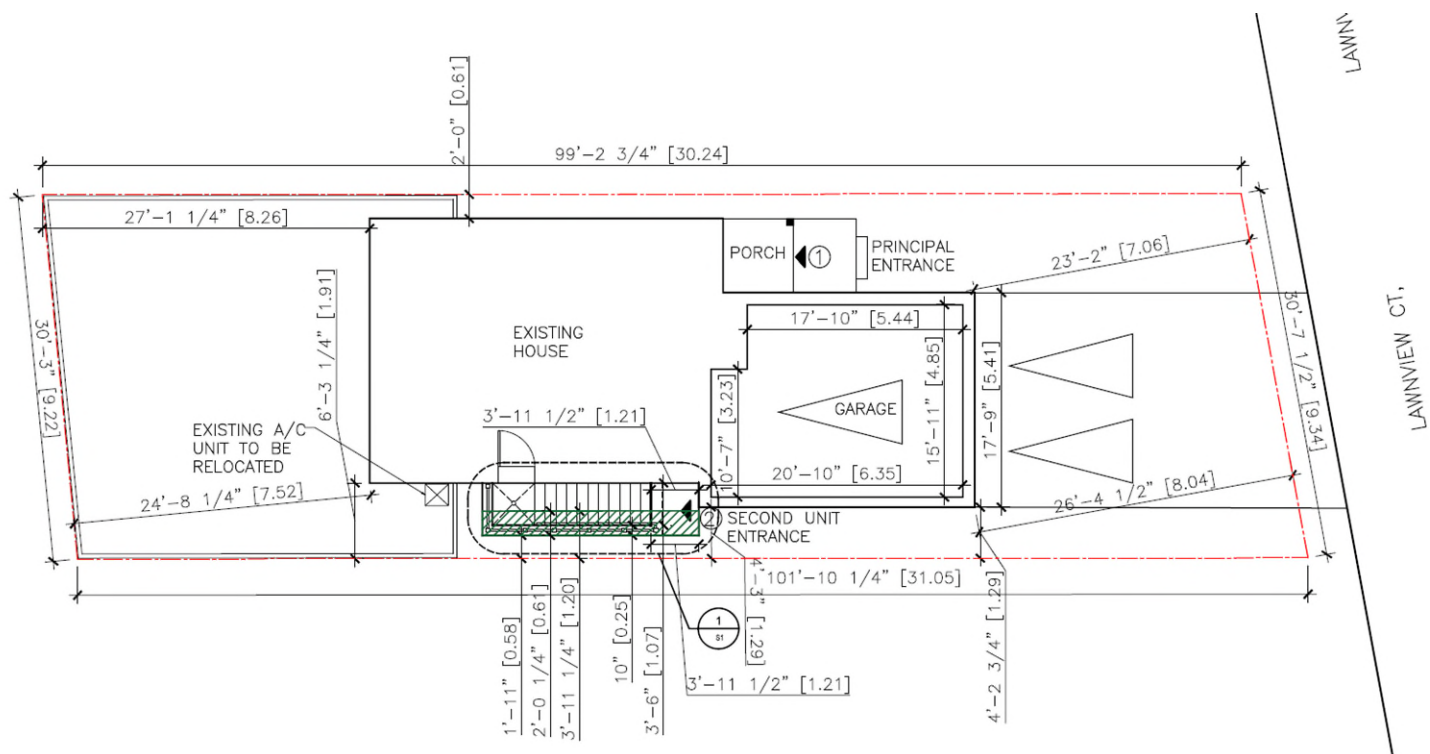
Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Charles Ng

Charles Ng, Planner I

Appendix A:



Appendix B:



