



Report Committee of Adjustment

Filing Date: May 1, 2023
Hearing Date: May 30, 2023

File: A-2023-0126

**Owner/
Applicant:** MUKESH TAKIAR AND SUPRIYA TAKIAR

Address: 37 Atkins Circle

Ward: WARD 5

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0126 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 drainage on adjacent properties should not be adversely affected;
 3. The below grade entrance shall not be used to access an unregistered second unit; 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:

Existing Zoning:

The property is zoned 'Residential Single Detached C (R1C)', 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 stairs constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.10 metres (0.33 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard width of 1.2 metres (3.97 ft.) on one side and 0.9 metres (2.96 ft.) on the other side; and
3. To permit an existing accessory structure (shed) to be setback 0.18 metres (0.59 ft.) to the nearest lot line whereas the by-law requires a setback of 0.6 metres (1.96 ft.) to the nearest lot line.

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 Brampton Flowertown Secondary Plan (Area 6). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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 exterior stairway to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairs constructed below established grade in the required interior side yard. Variance 2 is requested to allow an interior side yard setback of 0.10 metres to a below grade entrance whereas the by-law requires a side yard setback of 1.2 metres on one side and 0.9 metres on the other side. 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 sufficient space is provided to allow for drainage, while still allowing access to the rear yard. Preventing encroachment on neighbouring property is also highly important. City Engineering Staff have reviewed the proposed development and are satisfied with the submission as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing accessory structure (shed) located 0.18 metre from the nearest lot line whereas the by-law permits a setback of 0.6 metres to the nearest lot line. The intent of the by-law in requiring a minimum setback to an accessory structure is to ensure that sufficient space is provided for drainage and access for maintenance. In this case, the shed generally requires minimal maintenance and City Engineering Staff have conducted a review and found that drainage in the rear yard would not appear to be impacted by the accessory structure. Subject to the conditions of approval, Variances 3 is considered to maintain 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 an exterior stairway to a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit an interior side yard setback that is less than what is required by the Zoning By-law. Despite the below grade entrance resulting in a reduction to the interior setback requirements set out in the Zoning By-law, Staff are satisfied that with the current proposal as permeable landscaping surrounds the stairway which provides for adequate drainage. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit. Given the context of the site, Staff believe that the stairs will be appropriately located. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

Variance 3 is requested to permit a shed that will be located 0.18 metres from the nearest lot line. The addition of the shed is seen as appropriate for the development of the land as it would allow for additional storage of utilities on the property. An adequate amount of recreational space remains in the rear yard of the property and drainage will not be impacted. Subject to the recommended conditions of approval, Variance 3 is appropriate for the development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard. The location of the proposed below grade entrance to access the house is appropriate given the site context. Staff have determined that sufficient space is provided to allow for access to the front and rear yard, limiting any trespassing on abutting properties. No negative impacts to drainage are anticipated. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Variance 3 is requested to permit a shed located 0.18 metres from the nearest lot line. As minimal maintenance is required for the fence and shed, Staff are of the opinion that a 0.18 metre setback from the property line to the shed should suffice in order to maintain adequate drainage. Subject to the recommended approval conditions, Variance 3 is appropriate for the development of the land.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

