



Report Committee of Adjustment

Filing Date: December 4, 2023

Hearing Date: January 23, 2024

File: A-2023-0382

**Owner/
Applicant:** Avinder Pal Singh & Ravneet Kaur Pannu/
Gaganbir Singh Miglani

Address: 56 Willowcrest Court

Ward: WARD 1

Contact: Ramsen Yousif, Development Planner

Recommendations:

That application A-2023-0382 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner maintain vegetation to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
 3. That the owner shall obtain a pool enclosure permit prior to the start of construction;
 4. That the below grade entrance shall not be used to access an unregistered second unit; and
 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 C (R1C)– Section 3209', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit exterior stairways constructed below established grade to be located between the main wall of a dwelling
2. To permit an exterior side yard setback of 2.95m (9.68 ft.) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

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 Residential' in the Brampton Flowertown Secondary Plan (Area 6). The nature and extent of the proposed 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

The property is zoned 'Residential Single Detached C (R1C) – Section 3209', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit exterior stairways constructed below established grade to be located between the main wall of a dwelling. The intent of the by-law in not allowing below grade entrances between the main wall of the dwelling and a flankage lot line is to ensure the appearance of the below grade entrance does not negatively impact the aesthetic of the overall streetscape. The applicant has an existing privacy fence which would screen the below grade entrance as depicted in the site pictures provided (see Appendix B). Furthermore, the proposed below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation will be maintained. The proposed below grade entrance will be constructed along the western wall of the detached dwelling, which is located along Willowcrest Court.

Variance 2 is requested to permit a reduced exterior side yard setback of 2.95m (9.68 ft) to a below grade entrance, whereas a minimum exterior side yard setback of 3.0m (9.84 ft) is required by the bylaw. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is provided to allow access to the rear yard. A continuous path of travel to the rear yard will still be provided in this case. City Engineering Staff have also reviewed the proposed development and are satisfied that it does not negatively impact drainage on the subject parcel or abutting property.

Subject to the conditions of approval, both variances are 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 a below grade entrance that will be located between the main wall of the dwelling and the flankage lot line on a corner lot. The addition of the below grade entrance should not interfere with the streetscape of the community as Staff have reviewed the revised Concept Plan which illustrates that both the stairway and entrance will be screened by new forms of planting (Appendix B). Building Staff recommend a condition for the owner to acquire a pool enclosure permit due to the close proximity of the existing inground pool to the proposed location of the below-grade entrance. A condition of approval is also recommended that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the sitting of the property and fence extension. Subject to the recommended condition of approval, the requested variance is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit a reduced exterior side yard setback of 2.95m (9.68 ft) from the permitted 3m (9.84 ft) to a below grade entrance. The proposed reduction of 0.05 meters is deemed minor and is anticipated to have negligible impact. In this case, a continuous path of travel to the rear yard will still be provided. City Engineering Staff have also reviewed the proposed development and are satisfied that the proposal does not negatively impact drainage on the subject parcel or abutting property. Given these circumstances and subject to the conditions of approval, Variance 2 is considered desirable for the appropriate development of the land.

4. Minor in Nature

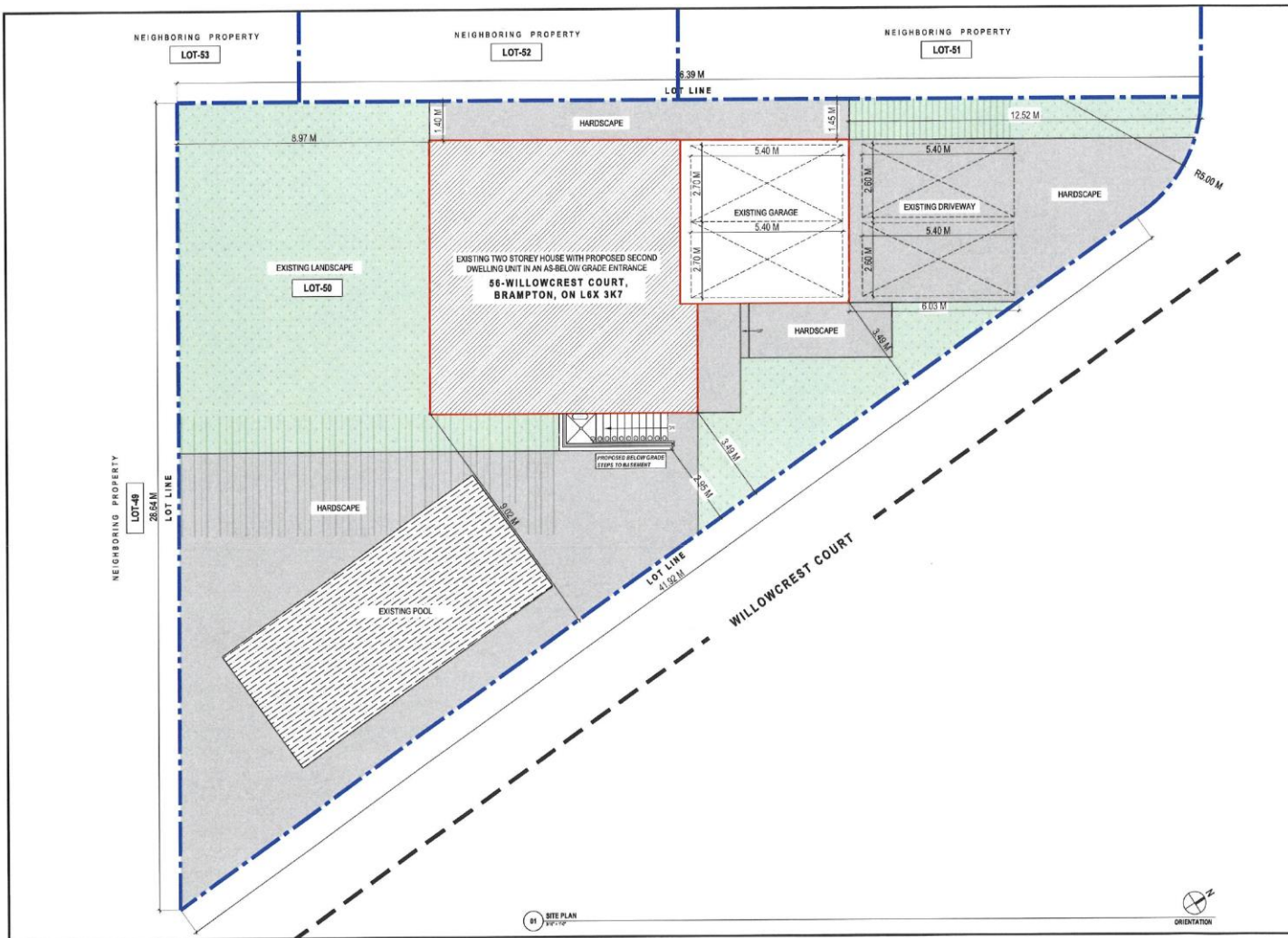
Variance 1 is not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and location of the dwelling on a corner lot. Furthermore, for Variance 2 the proposed side yard setback of 0.05m is deemed minor in nature. The application has been reviewed by Staff and they are of the opinion that the neighbouring properties should not be negatively impacted by the proposal. Subject to the recommended conditions of approval, both Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ramsen Yousif

Ramsen Yousif, Development Planner, MCIP, RPP

Appendix A – Concept Plan



Appendix B – Site Visit Photos

