



Report Committee of Adjustment

Filing Date: December 20th, 2023

Hearing Date: January 23rd, 2024

File: A-2023-0391

**Owner/
Applicant:** **Shreekumar Swamidas Nair**

Address: **16 Woodhaven Drive**

Ward: WARD 6

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2023-0391 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 owner implement planting 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 contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' construction;
 4. That drainage on adjacent properties shall not be adversely affected;
 5. That the below grade entrance shall not be used to access an unregistered second unit; and
 6. 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 Street Townhouse B Special Section 1022 (R3B-1022)', 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 a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line.; and
2. To permit a proposed exterior side yard setback of 1.09m to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Fletchers Meadow Secondary Plan (Area 44). The new Brampton Plan, as approved in November 2023, designates the subject property 'Neighbourhoods' pursuant to Schedule 2— Designations. 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 seeks 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 and the flankage lot line. The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection.

Variance 2 seeks to permit an exterior side yard setback of 1.09m (3.58 ft) to a 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 is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The below grade entrance is proposed to be constructed along the western wall of the dwelling along Woodhaven Drive. The subject property is a corner lot located at the southeast corner of Woodhaven Drive. It is a condition of approval that the entrance will be screened from the streetscape using forms of vegetation/shrubs. With this condition of approval, the proposed below grade entrance is not anticipated to negatively impact the overall streetscape as it will be screened, limiting visual impact. City Engineering Staff have also reviewed the proposed development and are satisfied with the proposal and do not anticipate negative drainage impacts on the subject parcel or abutting property. Subject to the conditions of approval, both Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit an exterior stairway leading to a below grade entrance which will be located between the main wall of the dwelling and the front of a flankage lot line and encroach into the exterior side yard setback. It is recommended that a condition of approval be that the entrance will be screened from the streetscape using vegetative screening; as such the below grade entrance is not anticipated to interfere with the streetscape of the community. Further, it is recommended that a condition of approval be 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. Subject to the recommended condition of approval, both Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit an exterior stairway to a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. Given that a condition of approval is recommended for the below grade entrance to be screened by vegetation adjacent to the side lot line, Staff anticipate that the existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, both Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Planning Technician

APPENDIX A- Site Visit Photos

