



Report Committee of Adjustment

Filing Date: January 19th, 2024
Hearing Date: February 20th, 2024

File: A-2024-0001
**Owner/
Applicant:** RISHI & RIDHIMA KAPOOR / PAVNEET KAUR

Address: 71 CEDARWOOD CRESCENT

Ward: WARD 5

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0001 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 drainage on adjacent properties shall not be adversely affected;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 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 – Special Section 588 (R1D-588)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit an existing 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 interior side yard.
2. To permit an interior side yard setback of 0.05m to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3m to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2m (3.9 ft.) is provided on the opposite side of the dwelling.

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 '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. As stated in Official Plan Section 3.2.8.2(ii), a second unit must comply with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. 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 existing 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 interior side yard. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained. Access to the rear yard is not impacted as access is provided on the opposite side of the home.

Variance 2 is requested to permit an interior side yard setback of 0.05m to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3m to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2m (3.9 ft.) is provided on the opposite side of the dwelling. The intent of the Zoning By-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line. The rear yard is still accessible and engineering staff are of the opinion that drainage is not impacted as result of the proposal.

The variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed variances are requested to permit an exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line and a reduced interior side yard

setback of 0.05m. The addition of the below grade entrance should not interfere with access to the rear yard nor negatively impact drainage on adjacent properties. A condition of approval has been included that adjacent properties are not adversely affected and that the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official. Similarly, it is recommended that a condition of approval be included that the below grade entrance shall not be used to access an unregistered second unit. This will ensure that the existing entrance does not have negative impacts.

Subject to the conditions of approval the variance is considered appropriate for the development of the land.

4. Minor in Nature

Given the recommendations of approval, staff are satisfied that the existing drainage and access to the rear yard will not be negatively impacted by the existing below grade entrance nor would the variance facilitate the use of the stairway/entrance for access to an unregistered unit. The variance, subject to the conditions of approval, is considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:



Appendix B:

