



Report Committee of Adjustment

Filing Date: November 2, 2023
Hearing Date: February 20, 2024

File: A-2023-0341

**Owner/
Applicant:** Suman Gupta, Bharat Bhushan Gupta
Harjinder Singh

Address: 15 Humberside Avenue

Ward: Ward 2

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2023-0341 be refused.

Background:

This application was to be heard at the January 2024 Committee of Adjustment meeting. However, the applicant requested a deferral to which the Committee members granted the request to defer the application. It is important to note that despite multiple efforts by the staff to obtain additional follow-up from the applicant, no modifications to their original application or site plan have been submitted.

Existing Zoning:

The property is zoned 'Residential Special Section 602 (R1C-602)', 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 in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and

2. To permit an interior side yard setback of 0.06 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres 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 1.2 metres is provided on the opposite side of the dwelling.

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Low Density' in the Snelgrove-Heart Lake Secondary Plan (Area 1). The new Council approved Brampton Plan Schedule 2 designates the property 'Neighbourhoods'. The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is 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 Special Section 602 (R1C-602)', according to By-law 270-2004, as amended.

Variance 1 is requesting 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 interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.06 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres 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 1.2 metres is provided on the opposite side of the dwelling. The intent of the by-law in prohibiting below grade entrances in the required 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 is not impacted.

When completing a review to determine whether the location of a below grade entrance and resulting interior side yard setback are appropriate, staff look to ensure that it's location will not contribute to disturbance onto adjacent properties by way of drainage or access. Staff have reviewed the application and have concerns relating to drainage. As per the City of Brampton Subdivision Manual, the location of the proposed below grade entrance is not considered to provide sufficient space for drainage on the property. Engineering Staff provided that they do not support the proposed below grade entrance due to the 1.2m side yard setback being required for drainage purposes in accordance with the City of Brampton rear to front drainage design requirements. Staff have communicated the matter with the applicant.

The requested variances are anticipated to impact drainage on site and off site and are not 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 in a required side yard is anticipated to significantly affect the subject property and adjacent property by way of drainage. The location of the proposed below grade entrance is not considered to provide sufficient space for drainage on the property which follows a rear to front drainage design. The requested variances are not considered desirable for the appropriate development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are anticipated to have a negative disturbance by way of drainage. Staff have determined that sufficient space has not been provided to allow for drainage and therefore, it is anticipated to cause issues on the abutting property and on the subject lands. As such, Variances 1 and 2 are not considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

