



Report Committee of Adjustment

Filing Date: January 08, 2023

Hearing Date: March 28, 2023

File: A-2023-0024

Owner/

Applicant: SURJAN SINGH JASSON & MAZHAR RAJA

Address: 20 Garside Crescent

Ward: WARD 7

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0024 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 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;
 3. The below grade entrance shall not be used to access an unregistered second unit; and
 4. That Variance 3 to permit an existing accessory structure (shed) having a side yard setback of 0.13m (0.43 ft) be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a 0.30m (1.0 ft) setback from the accessory structure to the nearest lot line.
 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:

The subject property is a semi-detached home and the applicant is proposing to permit a decreased side yard setback as a new door for a below grade entrance was added to the home. Due to the way

that the house was constructed, a crawl space in the rear half of the house would not have made it possible to have a below grade entrance located in the rear of the house. The applicant also submitted a variance for an existing shed in the backyard and is also seeking a variance for a reduced rear yard setback to an addition to the rear of the house.

Existing Zoning:

The property is zoned 'Residential- Semi Detached A (1) zone- Special Section 100 (R2A(1)-100)', 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 stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 2.18m (7.15 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum side yard setback of 3.0m (9.8 ft.);
3. To permit an existing accessory structure (shed) having a sideyard setback of 0.13m (0.42 ft.) whereas the by-law requires a minimum setback of 0.6m (1.96 ft.) from an accessory structure to the nearest lot line; and
4. To permit an attached addition to the house with a setback of 7.34m (24.08 ft.) from the rear lot line whereas the by-law permits a setback of 7.6m (24.93 ft.) to the rear 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 1 Residential' in the Bramalea Secondary Plan (Area 3). 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 a reduced interior side yard setback for below grade entrance in the interior side yard, whereas this is not permitted in the by-law. Variance 2 is requested 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 stairways constructed below established grade in the required interior side yard. The intent of the by-law in prohibiting below grade entrances 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 and preventing the encroachment on neighbouring property. The existing below grade entrance provides a continuous path of travel to the rear yard. City Engineering Staff have also reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, Variance 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 0.13m (0.42 ft.) from the side yard lot line whereas the by-law permits a setback of 0.6m (1.96 ft.) to the nearest lot line. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a 0.30m (1.0 ft) setback between the accessory structure and the side 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 drainage in the rear yard would not appear to be impacted by the accessory structure. Based on the roof design of the existing shed, the runoff of water is directed onto the subject property and should not impact the drainage of adjacent properties. Variance 3 does not maintain the general intent and purpose of the Zoning By-law. Staff have worked with the applicant and recommend that approval of the reduced sideyard setback to an accessory structure (shed) be based on the revised concept plan (Appendix A) provided by the applicant showcasing a 0.30m setback from the shed to the nearest lot line.

Variance 4 is requested to permit an attached addition to the house with a setback of 7.34 metres from the rear lot line whereas the by-law permits a setback of 7.6 metres to the rear lot line. The intent of the by-law in regulating the distance from the property line to the rear yard setback is to allow adequate amenity space and sufficient space from abutting structures and lot lines. Subject to the recommended conditions, Variance 4 is considered to maintain the general purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 is requested to permit an exterior stairway that would lead to a below grade entrance and there is a request for Variance 2 to permit an interior side yard setback that is less than what is required by the Zoning By-law . While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied that an unobstructed path of travel to access the rear yard can be preserved. The applicant has stated that the addition of the new door will only be used as a secondary entrance to the house and it is not expected that this entrance will provide access to a registered or unregistered unit. 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 located 0.13m (0.42 ft) from the side lot line. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a

0.30m (1.0 ft) permeable landscaping strip between the accessory structure and the side lot line. Staff are of the opinion that a 0.3 m setback from the shed to the property line will provide sufficient space for maintenance of the shed and allow for adequate drainage. . Subject to the recommended approval conditions, Variance 3 is appropriate for the development of the land.

Variance 4 is requested to permit a one- storey addition to the house with a setback of 7.34 metres from the rear lot line whereas the by-law permits a setback of 7.6 metres to the rear lot line. Staff does not view this as having a negative impact on the amount of amenity space that will be provided in the rear yard. As the accessory room is also covered, visual impacts will be mitigated and privacy will be maintained from neighbouring properties. Subject to the recommended approval conditions, Variance 4 is appropriate for the development of the land

4. Minor in Nature

Variance 1 seeks 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 stairways constructed below established grade in the required interior side yard. The location of the proposed below grade entrance to access the house is appropriate given the site context, location of the dwelling and inability to construct a below grade entrance in the rear of the house. Variance 2 requests to decrease the interior side yard setback from 3.0 metres to 2.18 metres for a below grade entrance and is not considered to have a significant impact on the current use of the property or the surrounding neighbourhood. Access to the rear yard will not be negatively impacted and impact will not be felt by neighbouring properties. Subject to the recommended conditions of approval, Variance 1 and Variance 2 are considered minor in nature.

Variance 3 requests that the distance between an existing accessory structure located 0.13m from the side lot line be permitted whereas the by-law permits a minimum of 0.6m to the nearest lot line. Staff have requested that the shed be moved to 0.3m from the side yard setback to ensure that sufficient space for maintenance and drainage is provided. It all also move the massing of the shed away from the abutting neighbours lot line. d. Subject to the recommended approval conditions and revised concept plan (Appendix A), Variance 3 is considered minor in nature.

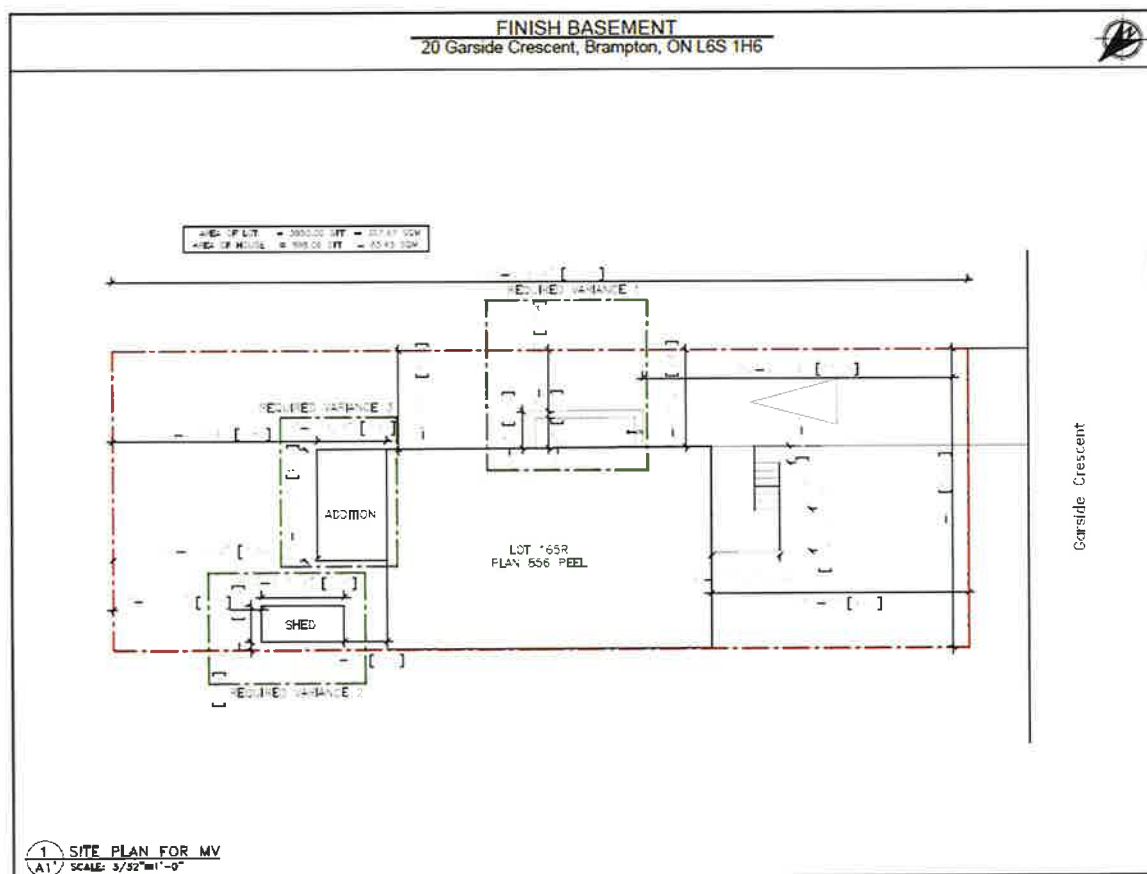
Variance 4 requests that the distance between a one- storey additional structure and the rear lot line be decreased. Staff view this variance as being minor in nature as it still permits additional uses in the rear of the house. Variance 4 is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:



Appendix B:



