



Report Committee of Adjustment

Filing Date: February 16, 2023

Hearing Date: March 28, 2023

File: A-2023-0045

**Owner/
Applicant:** BALJIT SINGH THIARA/HARJINDER SINGH

Address: 16 Saint Eugene Street

Ward: WARD 4

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0045 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 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 Semi-Detached A- Special Section 1324 (R2A-1324)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.13m (0.42 ft.) to the below grade exterior stairs whereas the by-law permits an interior side yard setback of 1.2m (3.93 ft.); and
2. To permit below grade exterior entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard.

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' in the Bramwest Secondary Plan (Area 40C). 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 an interior side yard setback of 0.13m to the below grade exterior stairs whereas the by-law requires a minimum side yard setback of 1.2m. Variance 2 is requested to permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard. The intent of the by-law in prohibiting below grade stairs 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. Despite the reduced interior side yard width, the addition of the below grade exterior stairway is not anticipated to negatively impact drainage as there is permeable landscaping surrounding the staircase. 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. Access to the rear yard via a continuous path of travel is provided due to the applicant providing risers on both sides of the below grade entrance landing. Subject to the conditions of approval, 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

Variance 1 is requested to permit an interior side yard setback that is less than what is required by the Zoning By-law. Variance 2 is requested to permit a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Despite the below grade entrance resulting in a reduction to the interior setback requirements of the Zoning By-law, Staff are satisfied that the current proposal which features two riser steps in both directions provide an unobstructed path of travel to and from the front and rear yard. City of Brampton engineering staff have reviewed the proposed development and confirmed that drainage will not be negatively impacted on any portions of the property or neighbouring lots. Conditions of approval have also been included noting that the below grade entrance shall not be

used to access an unregistered second unit. Given the context of the site, Staff believe that the stairs will be appropriately located. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

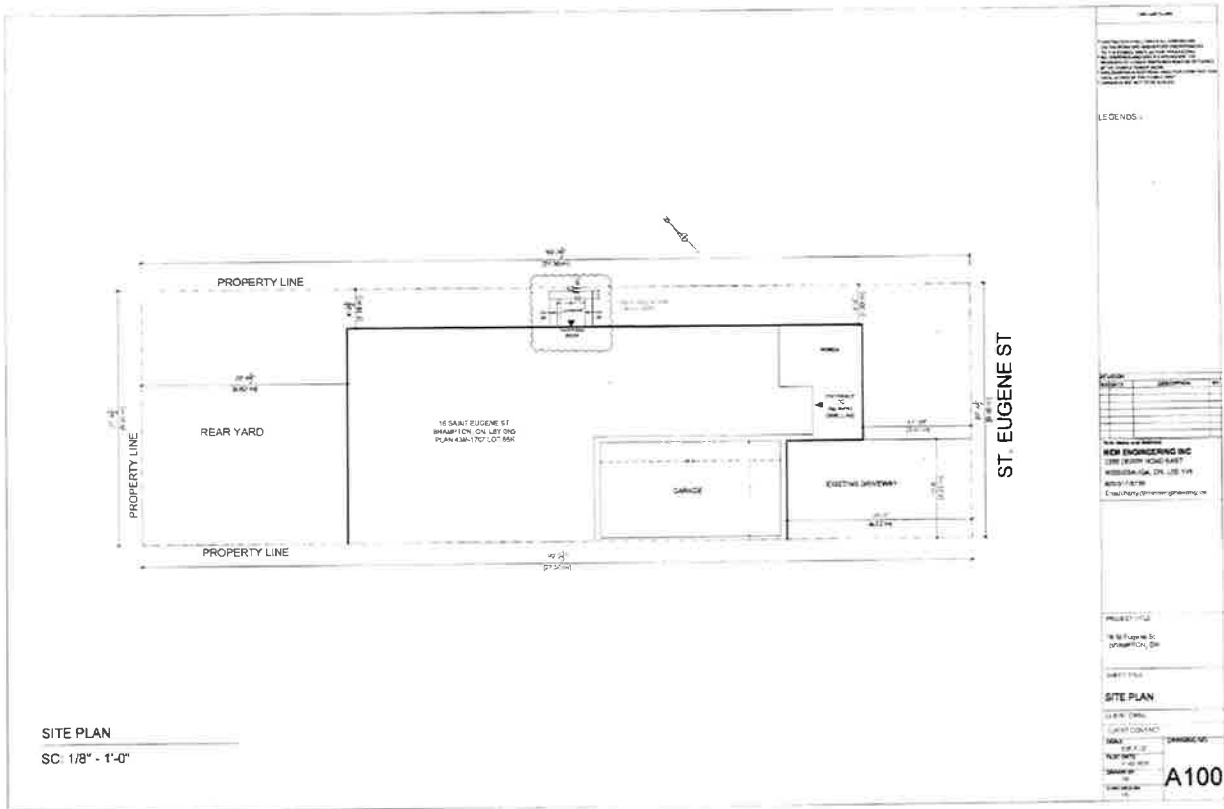
The proposed location of the below grade exterior stairs and reduced interior side yard setback are not considered to impact access to the rear yard or drainage on adjacent properties. Staff have determined that sufficient space is provided to allow for drainage and access to the rear yard. No negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:



Appendix B:

