



Report Committee of Adjustment

Filing Date: December 15, 2023
Hearing Date: March 19, 2024

File: A-2023-0400

**Owner/
Applicant:** Chandeeep Singh

Address: 530 Veterans Drive

Ward: WARD 6

Contact: Charles Ng, Planner I

Recommendations:

That application A-2023-0400 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 the below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties and the subject property shall not be adversely affected;
 4. That a fence be constructed in a manner that complies with any applicable by-laws and regulations to screen the proposed exterior stairway leading to a below grade entrance, and that the fence shall not be removed or lowered but may be repaired or replaced when necessary. As an alternative, the applicant may provide city planning staff with a revised plan depicting vegetation in a manner that screens the exterior stairway leading to a below grade entrance; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The applicant has submitted a Minor Variance Application to permit an exterior stairway leading to a below grade entrance in the exterior side yard.

Existing Zoning:

The property is zoned 'Residential Townhouse E-x – R3E-x Zone', with Special Section 2230 (R3E-5.5-2230), according to By-law 270-2004, as amended.

Requested Variance:

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 an exterior side yard setback of 1.97 metres to a proposed exterior stairway leading to a below grade entrance, whereas the By-law requires a minimum exterior side yard setback of 3.0 metres.

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 'Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). In relation to the council approved Brampton Plan, the subject property is designated as 'Neighbourhoods', as per Schedule 2 – Designations. The 'Residential' designation in the Official Plan permits residential uses as well as other complementary uses. The 'Neighbourhoods' designation in the council approved Brampton Plan permits a broad range of residential uses and neighbourhood-supportive commercial uses, community services, and facilities that supports 15-minute neighbourhoods. The 'Medium Density Residential' designation in the Secondary Plan permits a range of residential uses and other complimentary uses at a maximum density of 60 units per net residential hectare (24 units per net residential acre).

Variance 1 is to permit an exterior stairway leading to a below grade entrance in the flankage side yard. Variance 2 is to permit an exterior side yard setback of 1.97 metres (6.46 feet) to a proposed exterior stairway leading to a below grade entrance. The proposed exterior stairway leading to a below grade entrance and associated relief from setback requirements are considered to maintain the general intent, purpose, and function of the 'Residential', 'Neighbourhoods', and 'Medium Density Residential' designations. The requested variances are not considered to have significant impacts within the context of the applicable planning policy framework.

Subject to the recommended conditions of approval, 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 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. The intent of the by-law in regulating the location of exterior stairways leading to below grade entrances is to ensure that appropriate site circulation is maintained; that drainage is not adversely affected; that the appearance of the below grade entrance does not negatively impact the overall streetscape; and that an adequate and appropriate amount of landscaped area is maintained.

The proposed exterior stairway leading to a below grade entrance is located in the flankage side yard adjacent to Veterans Drive. The proposed exterior stairway leading to a below grade entrance is not anticipated to significantly affect site circulation, drainage, streetscape appearances, or reduce the amount of landscaped area in a manner that is not desirable. Staff notes that the subject property is a corner lot with two street frontages. A condition of approval has been included to construct a fence for the purpose of screening the exterior stairway leading to a below grade entrance. Alternatively, the applicant may provide city planning staff with a revised plan depicting vegetation in a manner that screens the exterior stairway leading to a below grade entrance.

Variance 2 is to permit an exterior side yard setback of 1.97 metres (6.46 feet) to a proposed exterior stairway leading to a below grade entrance, whereas the By-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). The intent of the by-law in regulating setbacks is to maintain appropriate building separation distances, adequate site circulation, availability of amenity spaces, and to manage impacts to the subject property and adjacent properties with respect to lighting, drainage, and privacy.

The subject property is a corner lot with two street frontages, and the proposed exterior stairway leading to a below grade entrance is located in the flankage side yard adjacent to Veterans Drive. Based on the size, location and orientation of the proposed exterior stairway leading to a below grade entrance, the proposed exterior stairway leading to a below grade entrance is not anticipated to adversely affect the subject property or adjacent properties with respect to the intent of the by-law for setbacks.

Subject to the recommended conditions of approval, the requested variances are 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 within the flankage side yard and associated relief from setback requirements is not anticipated to significantly affect the subject property, adjacent properties, or the neighbourhood. The requested variances will facilitate the construction of a new entrance serving as the primary entry and exit for a second dwelling unit in the basement of the subject dwelling. Furthermore, the requested variances are generally aligned with the planned intent, function, and use of the subject property, the Official Plan, and the Zoning By-law.

Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The proposed exterior stairway leading to a below grade entrance and associated relief from setback requirements from 3.0 metres (9.84 feet) to 1.97 metres (6.46 feet) in the flankage side yard is not anticipated to significantly affect site circulation, drainage, streetscape appearances, and landscaping, and is further not anticipated to significantly impact the subject property, adjacent properties, or the neighbourhood.

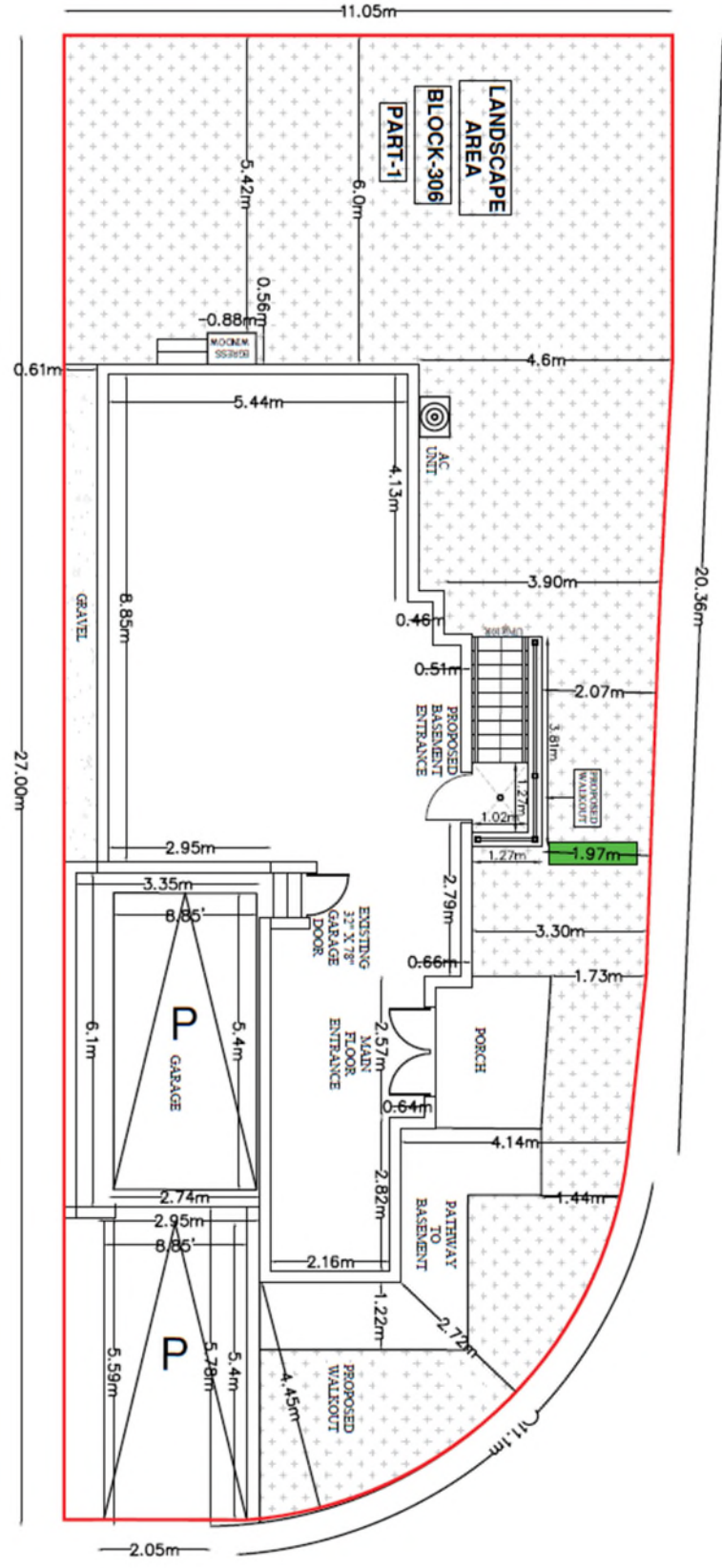
Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Charles Ng

Charles Ng, Planner I

Appendix A:



Appendix B:



