



Report Committee of Adjustment

Filing Date: February 12, 2024

Hearing Date: March 19, 2024

File: A-2024-0036

**Owner/
Applicant:** Harleen Kaur Bindra & Gauravjit Singh

Address: 279 Morningmist Street

Ward: WARD 9

Contact: Charles Ng, Planner I

Recommendations:

That application A-2024-0036 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 proposed exterior stairway leading to a below grade entrance shall not be used to access an unregistered second unit;
 3. That the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be extended, repaired, or replaced when necessary;
 4. That the top landing of the exterior stairway leading to a below grade entrance be maintained in accordance with any applicable regulations;
 5. That drainage on adjacent properties and the subject property shall not be adversely affected; and
 6. 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 applicant has submitted a Minor Variance Application to permit an exterior stairway leading to a below grade entrance in the flankage side yard.

Existing Zoning:

The subject property is zoned 'Residential Semi-Detached A', with Special Section '762' (R2A-762), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

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.

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 1' in the Springdale Secondary Plan (Area 2). 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 'Low Density Residential 1' designation in the Secondary Plan permits single-detached and semi-detached dwelling units at a maximum density of 35 units per net residential hectare.

Variance 1 is to permit an exterior stairway leading to a below grade entrance in the flankage side yard. The proposed exterior stairway leading to a below grade entrance is considered to maintain the general intent, purpose, and function of the 'Residential', 'Neighbourhoods', and 'Low Density Residential 1' designations. The requested variance is not considered to have significant impacts within the context of the applicable planning policy framework.

Subject to the recommended conditions of approval, the requested variance 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

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, 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. 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 Morningmist Street. The proposed exterior stairway 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. The below grade entrance is proposed to be located behind an existing fence that encloses the amenity area of the property effectively screening it from public view. A condition of approval is recommended that the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be extended, repaired, or replaced when necessary.

Subject to the recommended conditions of approval, the requested 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 exterior stairway leading to a below grade entrance within the flankage side yard is not anticipated to significantly affect the subject property, adjacent properties, or the neighbourhood. Furthermore, the requested variance is generally aligned with the planned intent, function, and use of the subject property, the Official Plan, and the Zoning By-law.

Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties should not be adversely affected. Subject to the recommended conditions of approval, the requested variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The proposed exterior stairway leading to a below grade entrance 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.

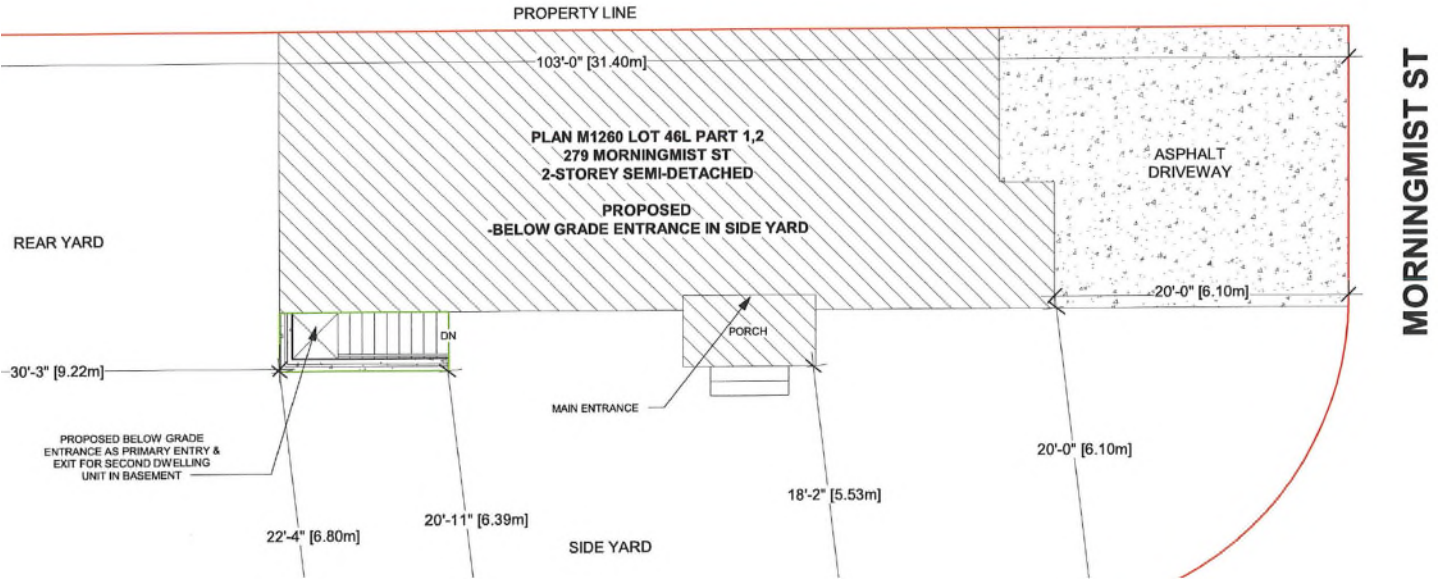
Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Charles Ng

Charles Ng, Planner I

Appendix A:



Appendix B:

