



Report Committee of Adjustment

Filing Date: February 12, 2024

Hearing Date: March 19, 2024

File: A-2024-0039

**Owner/
Applicant:** Maisuria Nipulkumar, Maisuria Hiralben & Maisuria Subhashbhai

Address: 25 Blackstone River Drive

Ward: WARD 9

Contact: Charles Ng, Planner I

Recommendations:

That application A-2024-0039 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 drainage on adjacent properties and the subject property shall not be adversely affected; 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:

The applicant has submitted a Minor Variance Application to permit a proposed exterior stairway leading to a below grade entrance in the side yard and associated relief from setback requirements.

Existing Zoning:

The subject property is zoned 'Residential Single Detached F-x – R1F-x Zone' with Special Section '2368' (R1F-9-2368), 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 0.04 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 (3.94 feet) is provided on the opposite side of the dwelling.

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' in the Countryside Villages Secondary Plan (Area 48(b)). 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' designation in the Secondary Plan permits single-detached, semi-detached, and townhouse dwelling units at a minimum density of 19.5 units per net residential hectare, and a maximum density of 30.1 units per net residential hectare.

Variance 1 is to permit a proposed exterior stairway leading to a below grade entrance in the side yard. Variance 2 is to permit a side yard setback of 0.04 metres (0.13 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 'Low 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 in a required 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 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 required interior side yard adjacent to a single-detached residential dwelling. 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.

Variance 2 is to permit an interior side yard setback of 0.04 metres (0.13 feet) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres (0.98 feet) 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 (3.94 feet) is provided on the opposite side of the dwelling. 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.

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. Access to the rear yard will be maintained through the opposite side of the dwelling with a 1.2 metre (3.94 feet) path of travel.

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 required interior side yard and associated relief from setback requirements is not anticipated to significantly affect the subject property, adjacent properties, or the neighbourhood. 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.

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 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 0.3 metres (0.98 feet) to 0.04 metres (0.13 feet) in the required interior 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.

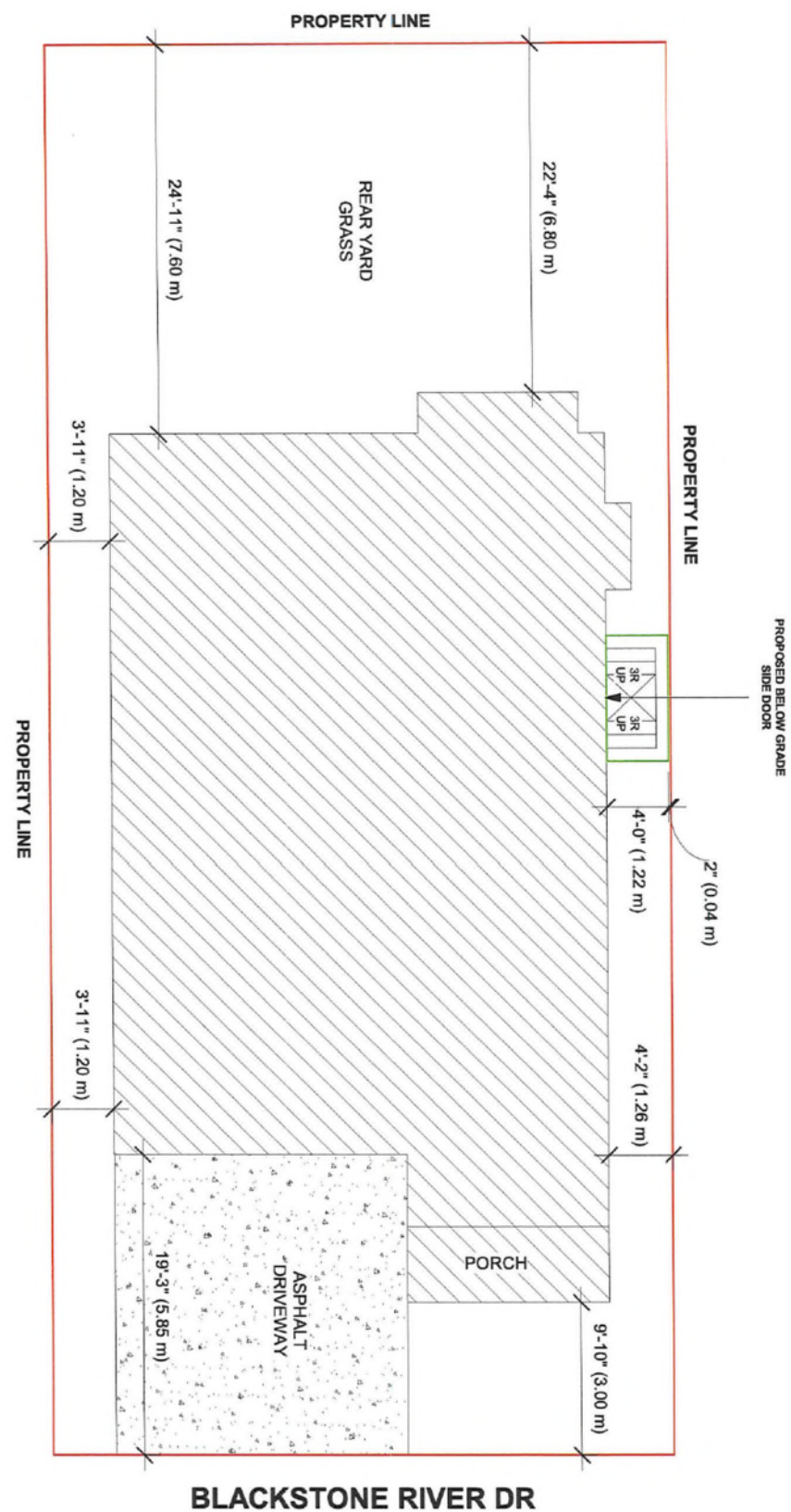
Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Charles Ng

Charles Ng, Planner I

Appendix A:



Appendix B:

