



Report Committee of Adjustment

Filing Date: February 13, 2024

Hearing Date: March 19, 2024

File: A-2024-0040

**Owner/
Applicant:** Pushpinder Bariah, Kanwal Jit Kaur Bariah
Avninder Singh

Address: 6 Banting Crescent

Ward: Ward 4

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0040 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 drainage on adjacent properties should not be adversely affected;
 3. 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;
 4. That the proposed above grade entrance shall not be used as a primary entrance to access an unregistered second unit; and,
 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:

Existing Zoning:

The property is zoned 'Residential Single Detached D - Special Section 3144 (R1D – 3144)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit an existing above grade entrance in a side yard having a minimum width of 0.89 metres extending from the rear wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the rear wall of the dwelling up to and including the door provided that a continuous side yard width of not less than 1.2 metres is provided on the opposite side of the dwelling.

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 Brampton Flowertown Secondary Plan (Area 6). The Variance is requested to permit an existing above grade entrance in a side yard having a minimum width of 0.89 metres extending from the rear wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the rear wall of the dwelling up to and including the door provided that a continuous side yard width of not less than 1.2 metres is provided on the opposite side of the dwelling. The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The Variance is requested to permit an existing above grade entrance in a side yard having a minimum width of 0.89 metres extending from the rear wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the rear wall of the dwelling up to and including the door provided that a continuous side yard width of not less than 1.2 metres is provided on the opposite side of the dwelling. The intent of the by-law in requiring a minimum 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

The variance is related to the interior side yard setback resulting from an existing above grade door. The 0.89m setback is considered to provide sufficient space for drainage and does not affect access to the rear yard. The reduced setback is not

considered to significantly impact access to the entrance located at the side of the dwelling based on the 1.3 metres setback on the opposing side of the dwelling. Should the committee approve the requested variance, the applicant is to be aware that the existing above grade door in the side wall will not be permitted as the primary entrance to an unregistered secondary unit. A condition of approval is recommended that the proposed above grade side door shall not be used to access an unregistered second unit. Subject to the recommend conditions of approval, variance 1 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is intended to permit existing site conditions for an above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. Staff have no concerns with the reduced side yard setback requirements regarding drainage or access to the rear yard. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

4. Minor in Nature

The Variance is requested to permit an existing above grade door with a reduced side yard setback and is not considered to have significant impact on drainage or limit access to the property. Conditions of approval are recommended that should the Committee approve the requested variance, the applicant is to 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; and that the existing above grade entrance shall not be used as a primary entrance to access an unregistered second unit; subject to the recommended conditions of approval, the Variance is minor in nature

Respectfully Submitted,

Emily Mailling, Planning Technician

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Site Visit Photos

