



Report Committee of Adjustment

Filing Date: February 16^h, 2024
Hearing Date: March 19th, 2024
File: A-2024-0051
**Owner/
Applicant:** Maru Kunal Manharbhai
Address: 403 Edenbrook Hill Drive
Ward: WARD 6
Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2024-0051 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 the applicant shall extend the existing fence to screen the below grade entrance in a manner that no parts of the entrance will be visible from the public realm.
 4. That drainage on adjacent properties should not be adversely affected;
 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 F-x Section 2888 (R1F-9-2888)', 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
2. To permit a proposed exterior side yard setback of 1.39m to a stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in Schedule A of the Official Plan and 'Low/Medium Density' in the Mount Pleasant Secondary Plan. The new Council approved Brampton Plan designates the property as 'Neighbourhoods' in Schedule 2. The requested variances have 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.

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

The property is zoned 'Residential Single Detached F-x Section 2888 (R1F-9-2888)', according to By-law 270-2004, as amended.

Variance 1 is requested 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 prohibiting below grade entrances between the wall of the dwelling and the flankage lot line is to ensure that the below grade entrance does not negatively impact the overall streetscape and that sufficient space is maintained for drainage and access to the rear yard. The applicant provided a Site Plan which illustrates that the existing fence will be extended to screen the entrance from the streetscape. A condition of approval is included to ensure that the owner extend the existing fence to screen the below grade entrance in a manner that no parts of the entrance will be visible from the public realm. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will be screened, limiting visual impact.

Variance 2 is requested to permit a reduced exterior side yard setback to a stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3 metres. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. Despite the setback being reduced to 1.39m metres (4.56 feet), access to the rear yard is not anticipated to impede travel to the rear yard as size of the below grade entrance relative to the lot size is both small and suitable for the property. 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.

As per review of the submitted application the proposed exterior stairway is not anticipated to generate negative impacts to the operation, function, and aesthetic of the subject property and surrounding area. Subject to the conditions of approval, both Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

1. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit an exterior stairway leading to a below grade entrance which will be located between the main wall of the dwelling and the front of a flankage lot line and encroach into the exterior side yard setback. The addition of the below grade entrance is not anticipated to interfere with the public realm as the applicant has submitted a Site Plan which depicts the stairway and entrance being screened through the extension of the existing fencing. It is recommended that a condition of approval be that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the sitting of the property. Subject to the recommended condition of approval, both Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit an exterior stairway to a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. Given that the below grade entrance will be screened by fencing that will be adjacent to the side lot line, Staff are satisfied that the existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, both Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Aferdita Dzaferovska

Aferdita Dzaferovska, Planning Technician

APPENDIX A: Site Visit Photos

