



Report Committee of Adjustment

Filing Date: December 15, 2023

Hearing Date: March 19, 2024

File: A-2023-0401

**Owner/
Applicant:** Harjinder Chaggar

Address: 63 Dandelion Road

Ward: WARD 9

Contact: Charles Ng, Planner I

Recommendations:

That application A-2023-0401 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 the as-built fence that is anticipated to contain and screen the proposed exterior stairway leading to a below grade entrance 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;
 5. That the top landing of the proposed exterior stairway leading to a below grade entrance shall not be obstructed and shall be maintained as per the Ontario Building Code; 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 additional residential unit in a quadruplex, to permit a below grade entrance, and to seek relief from setback requirements. The subject property is a corner lot located in a low-density residential subdivision. Staff notes that the proposed below grade entrance is located within a portion of the front yard that is enclosed with an as-built fence.

Existing Zoning:

The property is zoned 'Residential Extended Zone – R2B Zone', with Special Section '738' (R2B-738), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an additional residential unit in a quadruplex, whereas the by-law only permits an additional residential unit in a single detached, semi-detached or townhouse dwelling;
2. To permit an exterior stairway leading to a below grade entrance in a quadruplex, whereas the by-law only permits an exterior stairway leading to a below grade entrance in a single detached, semi-detached, townhouse or two-unit dwelling;
3. To permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the front 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 front lot line; and
4. To permit a proposed front yard setback of 4.78 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum front yard setback of 6.0 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 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 'Medium Density Residential' designation in the Secondary Plan permits a mix of residential uses and densities in accordance with Section 4.2.1.2 of the Official Plan.

Variance 1 is to permit an additional residential unit in a quadruplex. The proposed additional residential unit is located in the basement of the subject property with access provided through a proposed below grade entrance located within a portion of the front yard that is enclosed with an as-built fence. Variances 2 and 3 are to permit an exterior stairway leading to a below grade entrance in a quadruplex and located between the main wall of the dwelling and the front lot line, respectively. Variance 4 is to permit a front yard setback of 4.78 metres (15.68 feet) to a 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 an additional residential unit in a quadruplex, whereas the by-law only permits an additional residential unit in a single detached, semi-detached or townhouse dwelling. The intent of the by-law in regulating the number of dwellings contained within housing typologies is to maintain the intended residential density and function of the subject property.

The subject property is located within an established low density residential neighbourhood that is generally characterized by single detached, semi-detached, and quadruplex dwellings. The additional residential unit in a quadruplex is not anticipated to affect the function of the subject property, or exceed the intended residential density of the area in a manner that is undesirable.

Variance 2 is to permit an exterior stairway leading to a below grade entrance in a quadruplex, whereas the by-law only permits an exterior stairway leading to a below grade entrance in a single detached, semi-detached, townhouse or two-unit dwelling. Variance 3 is to permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the front 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 front 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 front yard adjacent to Oatfield Road. 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. Staff further notes that the proposed exterior stairway leading to a below grade entrance is located within a portion of the front yard that is enclosed with an as-built fence. A condition of approval has been included that the as-built fence that is anticipated to contain and

screen the exterior stairway leading to a below grade entrance is to be maintained. 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. An additional condition of approval has been included that the top landing for the exterior stairway leading to a below grade entrance shall be unobstructed and maintained as per the Ontario Building Code.

Variance 4 is to permit a front yard setback of 4.78 metres (15.68 feet) to a stairway leading to a below grade entrance whereas the by-law requires a minimum front yard setback of 6.0 metres (19.68 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 front yard adjacent to Oatfield Road. 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 front yard for a quadruplex 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 additional residential unit in a quadruplex maintains the general intent, purpose, and function of the subject property as well as the Official Plan and Zoning By-law. The proposed exterior stairway leading to a below grade entrance in the front yard for a quadruplex and associated relief from setback requirements from 6.0 metres (19.68 feet) to 4.78 metres (15.68 feet) is not anticipated to significantly impact site circulation, drainage, streetscape appearances, and landscaping and is further not anticipated to significantly impact the subject property, adjacent properties, or the neighbourhood.

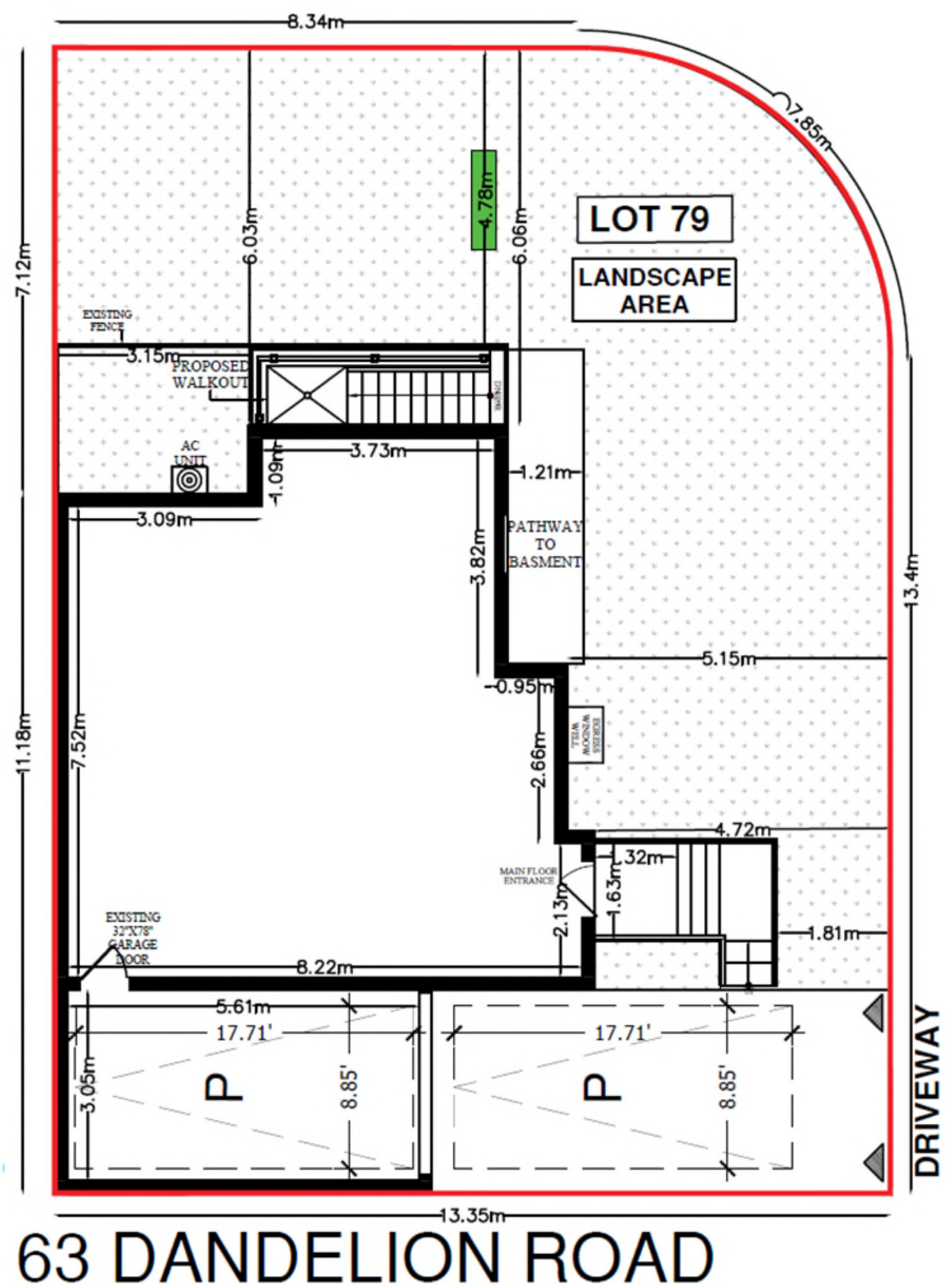
Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Charles Wai Ng

Charles Ng, Planner I

Appendix A:



Appendix B:



