



## Report Committee of Adjustment

**Filing Date:** April 24<sup>th</sup>, 2024  
**Hearing Date:** May 21<sup>st</sup>, 2024

**File:** A-2024-0112

**Owner/  
Applicant:** UPKAR SINGH SANGHERA, KULBIR KAUR SINGH, TEJA SINGH, SATNAM  
SINGH BRAR

**Address:** 50 WOOLISTON CRESCENT

**Ward:** WARD 4

**Contact:** Paul Brioux, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0112 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances 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 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 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 (R1D)', 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 a stairway constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.05 metres to a proposed stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres.

### **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 Residential 1' in the Brampton Flowertown Secondary Plan (Area 6). The requested variances are not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed 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 existing exterior stairway leading to a below grade entrance in a required side yard whereas the by-law does not permit a stairway constructed below established grade in the required interior side yard.

Variance 2 is requested to permit a proposed exterior side yard setback of 0.05 metres to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 1.2 metres.

The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum setback is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line. The existing exterior stairway leading to a below grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of space for access is maintained on the southern side of the property. Additionally, there are no anticipated impacts to drainage as permeable surfaces are being preserved. Staff note that the plans submitted in support of the application depict a proposed below grade entrance configuration that features steps on either side of the entrance. While there are no concerns with the proposal, the existing site conditions presents a building addition covering the entrance. The building addition was constructed without building permits. It is recommended 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.

Subject to the conditions of approval, the 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 requested variances to facilitate an existing entrance within the required interior side yard and a reduced side yard setback are not anticipated to significantly affect the subject property or adjacent properties. Conditions of approval noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected have been included.

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 requested variances are not considered to have significant impact on drainage or limiting access to the property. The location of the existing below grade entrance is appropriate given the site context. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

*Paul Brioux*

Paul Brioux, Assistant Development Planner

Appendix A

