



Report Committee of Adjustment

Filing Date: April 24th, 2024

Hearing Date: May 21st, 2024

File: A-2024-0124

**Owner/
Applicant:** JAGWINDER SAMRA / PAVNEET KAUR

Address: 18 BUCKSAW STREET

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0124 is supportable, in part, 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 drainage on adjacent properties should not be adversely affected;
 4. That the Owner obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowance;
 5. That variance 4 be refused; 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:

Existing Zoning:

The property is zoned 'Residential Single Detached – Special Section 2452 (R1F-2483)', 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 stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.01m to a proposed stairway leading to a below grade entrance in the required interior side yard resulting in a combined side yard width of 0.68m, whereas the by-law requires a minimum interior side yard setback of 1.2m on one side and 0.6m on the other side provided that the combined total for each interior lot is 1.8m;
3. To permit a driveway width of 7.66m whereas the by-law permits a maximum driveway width of 7.0m; and
4. To permit 0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m of permeable landscaping abutting the side lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low / Medium Density' in the Mount Pleasant Secondary Plan (Area 51A). 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 an interior side yard setback of 0.01m to a proposed stairway leading to a below grade entrance in the required interior side yard resulting in a combined side yard width of 0.68m, whereas the by-law requires a minimum interior side yard setback of 1.2m on one side and 0.6m on the other side provided that the combined total for each interior lot is 1.8m.

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 both sides of the property given the design of the stairs. Additionally, there are no anticipated impacts to drainage as permeable surfaces are being preserved. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning by-law.

Variance 3 is requested to permit a driveway width of 7.66m whereas the by-law permits a maximum driveway width of 7.0m and Variance 4 seeking to permit 0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m of permeable landscaping abutting the side lot line.

The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling. The intent of the by-law in requiring permeable landscaping is to guarantee ample space for drainage, prevent adverse effects on drainage in neighboring properties, and establish a barrier between hard, impermeable surfaces and adjacent properties. While the current conditions of the driveway are not considered to facilitate the parking of additional vehicles in a manner that would be undesirable, the elimination of permeable landscaping abutting the side lot line is not in keeping with the intent of the by-law. Extending the concrete driveway up to the property line worsens the visual impact and eliminates drainage space on that side of the property.

Variance 3 maintains the general intent and purpose of the Zoning by-law. Variance 4 is not considered to maintain the general intent 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.

Additionally, the existing driveway width is not considered to facilitate the parking of vehicles in a manner deemed undesirable. Subject to the recommended condition of approval, variances 1, 2, and 3 are considered desirable for the appropriate development of the land.

Variance 4 to permit the elimination of permeable landscaping contributes to an abundance of impervious surfaces which may lead to negative impacts on drainage and is not appropriate for the development of the land. It is recommended that Variance 4 be refused..

4. Minor in Nature

Variances 1, 2 and 3 are not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

Variance 4 considered to have significant impacts and is not deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix 1

