



Report Committee of Adjustment

Filing Date: April 17, 2024

Hearing Date: May 21, 2024

File: A-2024-0133

**Owner/
Applicant:** SATNAM KAINTH

Address: 12 Garrison Square

Ward: WARD 8

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0133 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 drainage on adjacent properties shall not be adversely affected; and
 4. 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 Townhouse A (4)- Special Section 128 (R3A(4)-128)', 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 exterior stairways constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 1.24 metres (4.06 feet) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires compliance with Schedule C-Section 128;

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 Bramalea Secondary Plan (Area 3). The requested variance is not considered to have significant impacts within the context of the Official Plan. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. 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 requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 1.24 metres (4.06 feet) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires compliance with Schedule C-Section 128.

The intent of the by-law in regulating the location of all structures and to be located only in the areas shown in shaded as 'building areas' on Schedule C-Section 128 is to ensure that a sufficient amount of open space is available to maintain the character of the area. Despite the stairway and entrance being constructed outside of the building envelope, rear yard access is maintained as there is a path that is 1.24 metres (4.06 feet) wide, which is adjacent to the house. City Engineering Staff have also reviewed the application and there are no drainage concerns. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are being requested to facilitate the construction of a proposed separate entrance within the required interior side yard for the purpose of creating an additional residential unit. The variance to construct outside of the building envelope set out in Schedule C-Section 128 is not anticipated to negatively affect the subject property or adjacent properties. Conditions of approval are recommended 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. Subject to the

recommended condition of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances seek to vary Schedule C, Section 128 of the by-law to allow for a 1.24 m. setback to a below grade entrance in a required side yard. This will be constructed outside of the building envelope, as per the Zoning By-law. Staff are of the opinion that the addition of the below grade entrance will not result in negative site conditions on the subject parcel as it is not considered overdevelopment. Subject to the recommended conditions of approval, the Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis". The ink is dark and the signature is fluid.

Ellis Lewis, Planner I

Appendix A:

