



Report Committee of Adjustment

Filing Date: May 28, 2024

Hearing Date: July 16, 2024

File: A-2024-0198

**Owner/
Applicant:** Arvind Shankar Pandey, Bindeshwari Pandey
PAVNEET KAUR

Address: 101 Clockwork Drive

Ward: WARD 6

Contact: Arlene Samuel, Student Planner

Recommendations:

That application A-2024-0198 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:

The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. The developer's engineer responsible for the subdivision has provided comments on the proposal stating the applicant is to take responsibility for the site grading 'see appendix B'. Until the subdivision is assumed, the developer is requesting that the applicant be responsible for ensuring that ongoing requirements of the subdivision under maintenance be respected, including requirements relating to drainage and grading. The proposed below grade entrance could impact the lot grading requirements or drainage in the interior side yard of the subject property for which the developer is requesting that the applicant be responsible for. A condition of

approval is therefore recommended that drainage on adjacent properties shall not be adversely affected.

Existing Zoning:

The property is zoned 'Residential Single Detached' (R1F-9-2556), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.03 metres (0.098 feet) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres (0.098 feet) to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres (3.94 feet) is provided on the opposite side of the dwelling; and
2. 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.

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' in the Mount Pleasant Secondary Plan (Area 51). As per the Approved Brampton Plan the subject property is designated 'Community Areas' (Schedule 1A) and 'Neighbourhoods' (Schedule 2). The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies and will facilitate the creation of an Additional Residential Unit. 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

The subject lands are currently zoned "Residential Single-Detached,' Special Section (R1F-9-2556), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an interior side yard setback of 0.03 metres (0.098 feet) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres (0.98 feet) to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of not less than 1.2 metres (3.94 feet) is provided on the opposite side of the single detached dwelling.

Variance 2 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.

The intent of the by-law in prohibiting below grade entrances in the interior side yard where the opposite side yard setback is no less than 1.2 metres (3.94 ft) and where the setback to the stairs is less than 0.3m (0.98 ft) is to ensure that sufficient space is maintained to access the rear yard of the property and that there are no drainage concerns between the stairs and the property line. Despite the setback reduction to one side of the property, rear yard access remains feasible as there is a path that is 1.23 metres (4.04 feet) wide on the opposite side of the home. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. Additionally, the proposal includes two step risers flanking the entrance, eliminating the need to encroach upon neighboring properties. Subject to the 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 requested variance was submitted to have a side yard setback reduced in order to facilitate the construction of a proposed separate entrance within the required interior side yard. The variance to reduce the resulting setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties. The by-law has a requirement for a minimum side yard setback of 0.3 metres (0.98 feet), whereas 0.03 metres (0.098 feet) is being requested. The Site Plan illustrates a clear path of travel will be maintained to access the front and rear of the house as stairs flank each side of the entrance. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, the proposed variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances will assist in facilitating the creation of an exterior stairway leading to a below grade entrance by permitting a reduced setback. The variances are not anticipated to have significant impact on drainage or limit access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the requested variances are deemed minor in nature.

Respectfully Submitted,

Arlene Samuel

Arlene Samuel, Student Planner

Appendix A: Site Visit Photos



Appendix B

Subject: [EXTERNAL]RE: Re: CofA A-2024-0198 (101 Clockwork Dr)

Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.

Hi Bob,

The proposed entrance setback of 0.03m from the side lot line does not permit a proper side yard drainage swale at this location.

Please ask the applicant to ensure that swale drainage is maintained and that runoff is not directed onto the adjacent property.

The site plan for Lot 158 is attached for reference.

Thanks,

Trevor Arndt, P. Eng.
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