



Report Committee of Adjustment

Filing Date: June 14, 2024
Hearing Date: July 16, 2024

File: A-2024-0228

**Owner/
Applicant:** **Shahid Iqbal
Harjinder Singh**

Address: **20 McCleave Crescent**

Ward: WARD 4

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0228 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 existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
 4. 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;
 5. That drainage on adjacent properties should not be adversely affected;
 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 Minor Variance application is seeking approval to permit a below grade entrance with stairs located within the required side. The Zoning By-law does not permit below grade exterior stairs to be located in a required side yard or front yard and setback requirements apply. Variances are therefore being

requested to permit a reduced side yard setback to the proposed stairway leading to a below grade entrance and to permit the existing stairway in a required side yard.

Existing Zoning:

The property is zoned 'Residential Street Townhouse B – Special Section 3314 (R3B -3314)', according to By-law 270-2004, as amended and is subject to the Mature Neighbourhood Area policies which has additional standards to ensure that proposed residential additions and replacement dwellings within older mature neighbourhoods are compatible with the existing character of the surrounding area.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing exterior stairway leading to a below grade entrance in a required exterior side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard.
2. To permit an existing exterior side yard setback of 2.97 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). As stated in Official Plan Section 3.2.8.2(ii), a second unit must comply with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. It is noted that the entrance will not be suitable for the primary access to a secondary suite if it would fail to meet minimum Ontario Building Code requirements. The requested variances is not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed variances is 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 an existing exterior stairway leading to a below grade entrance in a required exterior side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard.

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.

Variance 2 is requested to permit an existing exterior side yard setback of 2.97 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres.

The intent of the by-law 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 either side of the property.

The semi-detached dwelling is located on McCleave Crescent. The proposed below grade entrance will be accessed by a staircase located along the east wall of the dwelling. The below grade entrance and associated stairway will result in an exterior side yard setback that does not comply with the by-law. The below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation between the staircase and property line will be maintained.

The below grade entrance is proposed to be located behind an existing fence that encloses the amenity area of the property effectively screening it from public view. A condition of approval is recommended that the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary.

Subject to the recommended condition 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 applicant is requesting variances to facilitate the construction of a proposed below grade entrance in a required exterior side yard. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the east wall of the dwelling. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. The below grade entrance will be screened by existing fencing as shown on the site plan.

Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties should not be adversely affected. An additional condition 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 recommended condition of approval, the variances are 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 proposed below grade entrance is appropriate given the site context and existing fencing. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A:

