



Report Committee of Adjustment

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

File: A-2024-0229

**Owner/
Applicant:** Har Karanvir Singh & Kirandeep Kaur

Address: 2 Trewartha Crescent

Ward: WARD 2

Contact: Hayden Poon, Planning Technician

Recommendations:

That application A-2024-0229 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 drainage on adjacent properties shall not be adversely affected; and
 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 Semi-Detached A(2) (R2A(2))', 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 exterior side yard;
2. To permit an exterior side yard setback of 2.68 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.00 metres.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Medium Density Residential' in the Snelgrove-Heartlake Secondary Plan. In relation to Council Endorsed Brampton Plan 2023, the subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 – Designations). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 exterior side yard. The intent of the by-law in prohibiting below grade entrances between a main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape. Variance 2 is requested to permit an exterior side yard setback of 2.68 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.00 metres. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The proposed exterior stairway leading to a below grade entrance is proposed to be located on the northeastern wall of the building, behind the fence of the property. The proposed exterior stairway is not anticipated to negatively impact the overall streetscape nor access to the rear yard. 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 recommend conditions of approval, the requested variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are to facilitate the construction of a proposed separate entrance within the required exterior side yard for the purpose of creating an additional residential unit. 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 addition of the below grade entrance and reduced side yard setback should not interfere with access to the rear yard nor negatively impact drainage on adjacent properties. Subject to the recommended conditions, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances will facilitate the creation of an exterior stairway leading to a below grade entrance by permitting a reduced setback. The variance is 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 proposed variances are considered minor in nature.

Respectfully Submitted,

Hayden Poon

Hayden Poon, Planning Technician

Appendix A:

