



## Report Committee of Adjustment

**Filing Date:** June 14, 2024

**Hearing Date:** July 16, 2024

**File:** A-2024-0230

**Owner/**

**Applicant:** DALBIR BANIPAL, AMARJIT BANIPAL, AND MANROOP BANIPAL

**Address:** 174 Bufford Drive

**Ward:** WARD 3

**Contact:** Rajvi Patel, Planner I

---

### **Recommendations:**

That application A-2024-0230 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 shall be extended to screen the entire below grade entrance with the construction of the extension to match the existing fence;
  4. That the fence, with the extension noted in Condition 3, be maintained as currently constructed, and shall not be removed or lowered, but may be repaired or replaced when necessary;
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-3427)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicants are requesting the following variances:

1. To permit a proposed 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 exterior side yard setback of 1.86m to a proposed exterior stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3m.

**Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). As per the Regionally-Approved Brampton Plan the subject property is designated 'Community Areas' (Schedule 1A) and 'Neighbourhoods' (Schedule 2). The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and 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

The subject property is currently zoned 'Residential Single Detached D,' Special Section 3427 (R1D-3427), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a proposed 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 prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection.

Variance 2 is requested to permit an exterior side yard setback of 1.86m to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). 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 below grade entrance will be constructed along the western wall of the dwelling located on a corner lot. The below grade entrance will be accessed by nine steps leading to a below grade landing and a door. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will be screened from the streetscape by the existing fence, which the applicant is proposing to extend, and will therefore not be visible to the public. A condition of approval is recommended that the fence used to screen the below grade entrance shall be maintained as currently constructed (with the noted extension), and shall not be removed or lowered, but may be repaired or replaced when necessary.

Furthermore, the proposed stairway leading to the below grade entrance encroaching into the required exterior side yard is not considered to have a significant impact on drainage and sufficient space of 1.86m is maintained for access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit.

Subject to the recommended 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 requested to permit a below grade entrance between the main wall of the dwelling and flankage lot line which will encroach into the exterior side yard setback. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. 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. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to facilitate a proposed below grade entrance between the main wall of a dwelling and the flankage lot line which will encroach into the exterior side yard setback. Given that the below grade entrance will be screened behind the proposed extension of a fence, staff are satisfied that the existing streetscape will not be negatively impacted. Additionally, the exterior stairway leading to the below grade entrance is not considered to have negative impacts on drainage or limit access to the rear of the property. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Planner I

**Appendix A – Existing Site Conditions**

