



Report Committee of Adjustment

Filing Date: July 19, 2024
Hearing Date: August 20, 2024

File: A-2024-0280

**Owner/
Applicant:** Parvinder Singh Lotay & Rupinder Kaur Lotay

Address: 12 Ranger Crescent

Ward: WARD 10

Contact: Simran Sandhu, Planner I

Recommendations:

That application A-2024-0280 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 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;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That drainage on adjacent properties should 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 Single Detached A (R1A-1836)', according to By-law 270-2004, as amended.

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 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 0.17m to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2m; and,
3. To permit 0.17 metres of permeable landscaping abutting one interior side lot line, and 0.30 metres of permeable landscape abutting the other interior side lot line, whereas the by-law requires a minimum 0.6m of permeable landscaping abutting both side lot lines on interior lots of detached dwellings.

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 'Executive Residential' in the Vales of Castlemore Secondary Plan.

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan and 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 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 0.17m to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2m.

The intent of the Zoning By-law in prohibiting below grade entrances in the exterior side yard and requiring minimum setbacks is to ensure that sufficient space is maintained to access the rear yard of the property and for drainage between the stairs and the property line.

In the case of the single-detached dwelling situated on a lot with rear yard access provided on either side of the dwelling, the existing below grade entrance with a stairway along the western wall of the dwelling will result in a setback that does not comply with the by-law. However, despite this setback

reduction, rear yard access remains feasible. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway and access is maintained on the opposite side of the property. Subject to the recommended conditions of approval, variances 1 and 2 maintain the general intent and purpose of the by-law.

Variance 3 seeks to permit 0.17 metres of permeable landscaping abutting one interior side lot line, and 0.30 metres of permeable landscape abutting the other interior side lot line, whereas the by-law requires a minimum 0.6m of permeable landscaping abutting both side lot lines on interior lots of detached dwellings. The intent of the by-law in requiring a minimum permeable landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties and that the property is not dominated by hardscaping. While full landscaping requirements of the Zoning By-law are not maintained, Staff are of the opinion that 0.17m and 0.30m of permeable landscaping provides sufficient area for drainage purposes and ensures the property is not dominated by hardscaping. Subject to the recommended conditions of approval, variance 3 maintains the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit an existing exterior stairway leading to a below grade entrance in a required side yard, a reduced interior side yard setback of 0.17m and reduced permeable landscaping in both interior side lot lines. The addition of the below grade entrance should not interfere with access to the rear yard nor negatively impact drainage on adjacent properties. Staff also do not anticipate any negative impacts on drainage from the reduced permeable landscaping. A condition of approval has been included that adjacent properties are not adversely affected and that the below grade entrance shall not be used to access an unregistered second unit.

Subject to the conditions of approval the variances are considered appropriate for the development of the land.

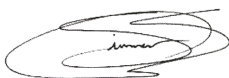
4. Minor in Nature

Given the recommendation of approval, staff are satisfied that the existing drainage and access to the rear yard will not be negatively impacted by the existing below grade entrance nor would the variances facilitate the uses of the stairway/entrance for access to an unregistered unit.

The proposed reduced permeable landscaping is not considered to cause the property to be dominated by hardscaping or impact drainage on adjacent properties. Staff are of the opinion that sufficient area for drainage is provided despite the reduced landscaping.

The variances, subject to the conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be a stylized name, possibly "S. [unclear]".

Simran Sandhu, Planner I