



Report Committee of Adjustment

Filing Date: October 9, 2024
Hearing Date: November 12, 2024

File: A-2024-0392

**Owner/
Applicant:** GURVINDER PAL SINGH AND MANDEEP SINGH
RELY SOLUTION C/O SHIVANG TARIKA

Address: 2 Thorson Gate

Ward: WARD 1

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0392 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 owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended 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 the existing fence, as shown on the sketch, 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 Townhouse A(2), Special Section 134 (R3A(2)-134)', 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 side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard; and
2. To permit a proposed exterior side yard setback of 2.71 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The subject property is also designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (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 are 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 Townhouse A(2), Special Section 134 (R3A(2)-134), 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 2.71m to a stairway leading to a 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 existing below grade entrance is constructed along the southern wall of the dwelling located on a corner lot. The below grade entrance is accessed by ten steps leading to a below grade landing and a door. Upon staff visit, it was noted that the existing below grade entrance is located behind an existing fence. As a result, the below grade entrance is not considered to negatively impact the overall streetscape as it will be screened from the streetscape by the existing fence, 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, 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 2.71m 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. The location of the below grade entrance is adequately fenced and screened to the satisfaction of the Planning Department. As noted on the sketch, the existing structure located above the steps leading to the below grade entrance will be removed and guardrails will be installed to make the site conditions safer. The removal of the structure will reduce impacts of the below grade entrance on the streetscape. Furthermore, 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 variances are 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

