

Filing Date: December 22, 2020

Hearing Date: February 15, 2021

File: A-2020-0163

Owner/

Applicant: RAVNEET GILL AND SAMANDEEP GILL

Address: 192 Torrance Woods

Ward: 4

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2020-0163 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 Public Notice;
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 fence remain constructed in its current location and height and shall not be removed or lowered;
4. That the below grade entrance shall not be used to access an unregistered second unit;
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)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance to be located between the main wall of a dwelling and a flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and a flankage lot line;
2. To permit an exterior side yard setback of 2.5m (8.20 ft.) to a below grade stairway leading to a below grade entrance in the required exterior side yard whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated "Residential" in the Official Plan and "Low Density Residential" in the Brampton Flowerstown Secondary Plan (Area 6). The requested variances are not considered to have significant implications within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Residential Single Detached D (R1D)" according to By-law 270-2004, as amended. The requested variances are intended to permit an existing below grade entrance in the exterior side yard of the property.

Variance 1 is to permit a below grade entrance to be located between the main wall of a dwelling and a flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and a flankage lot line. Variance 2 is to permit an exterior side yard setback of 2.5m (8.20 ft.) to a below grade stairway leading to a below grade entrance in the required exterior side yard whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

The intent of the by-law in prohibiting below grade entrances between a main wall of the dwelling and the flankage lot line and in requiring a minimum required setback is to ensure that the appearance of the below grade entrance and stairway does not negatively impact the overall streetscape.

In the case of the subject property, the below grade entrance is located behind a fence and is not visible from the street. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered to ensure that the entrance remains screened from the street. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit an existing below grade entrance in the exterior side yard of the property. The entrance and associated stairway are currently located behind the existing fence and are therefore screened from the street. A condition of approval is recommended that the fence remain in its current location and height to ensure that screening remains in place. A further condition is recommended that the entrance not be used to access an unregistered second unit to ensure that any second unit within the dwelling has completed the City's registration process. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit an existing below grade entrance in the exterior side yard of the property are not anticipated to negatively impact the appearance or function of the property. A condition of approval is recommended that a building permit be obtained for the below grade entrance to ensure it has been constructed in accordance with the Ontario Building Code. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I