



Report Committee of Adjustment

Filing Date: May 26, 2021
Hearing Date: June 22, 2021

File: A-2021-0122

**Owner/
Applicant:** SUKHDIP VIRK & SUKHPREET KAUR

Address: 45 Alabaster Drive

Ward: WARD 1

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0122 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 drainage on adjacent properties not be adversely impacted;
 3. That the above grade entrance shall not be used to access an unregistered second unit; and
 4. 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 an existing above grade door located on the side wall having a setback of 1.1m (3.61 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to an above grade door located on the side wall of a dwelling;
2. To permit the existing above grade door located in the side yard having a width of 1.1m (3.61 ft.) to be used as the primary entrance for a second unit whereas the by-law requires a minimum side yard width of 1.2m (3.94 ft.) leading from the front of the dwelling to a door used as the primary entrance for a second unit;
3. To permit an existing accessory structure (shed) having a setback of 0.0m to the side lot line and 0.45m (1.48 ft.) to a rear lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The requested variance, subject to the recommended conditions of approval, 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

Variance 1 is requested to permit an existing above grade door located on the side wall having a setback of 1.1m (3.61 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to an above grade door located on the side wall of a dwelling. Variance 2 is requested to permit the existing above grade door located in the side yard having a width of 1.1m (3.61 ft.) to be used as the primary entrance for a second unit whereas the by-law requires a minimum side yard width of 1.2m (3.94 ft.) leading from the front of the dwelling to a door used as the primary entrance for a second unit. The intent of the By-law in requiring appropriate setbacks for an above grade door located on the side wall of a dwelling is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

Variances 1 and 2 are required to allow the existing above grade entrance door to be used as the primary entrance for a second unit situated in the basement of the dwelling. The variances contemplate a setback reduction of 0.1m (0.32 ft.) which is not anticipated to impact access to a second unit for both everyday and emergency purposes. The requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing accessory structure (shed) having a setback of 0.0m to the side lot line and 0.45m (1.48 ft.) to a rear lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line. The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage.

The existing 7.61 square metres shed is located in the rear corner of the property. The shed has a gabled roof with slopes oriented towards the dwelling and the rear lot line with a 0.45m (1.47 ft.) setback. The accessory structures is not anticipated to negatively impact drainage. A condition of approval is recommended that drainage on adjacent properties not be adversely impacted. Subject to conditions of approval, the variance is 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 required to permit the existing above grade door located on the side wall of the dwelling to be used as a primary entrance to a second unit. The proposed reduction is not anticipated to impact access to a second unit for both everyday and emergency purposes. A condition of approval is recommended that the above grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit the existing location of the shed in the rear yard. Given the orientation of the gabled roof, the 0.0 side lot line setback and 0.45m rear yard setback to the accessory structure are not anticipated to negatively impact drainage on the property. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances to permit an existing above grade door on the side wall of the dwelling with a reduced setback will accommodate an entrance to a second unit. The variance to permit the reduced side lot line and rear yard setbacks related to the shed are not expected to create adverse impacts on-site or off-site. The proposed variances are nominal and are not anticipated to negatively impact access to the second unit. The requested variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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