



Report Committee of Adjustment

Filing Date: July 5, 2021
Hearing Date: August 3, 2021
File: A-2021-0150
**Owner/
Applicant:** JOSE PACHECO
Address: 65 Roberts Crescent
Ward: WARD 3
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0150 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 drainage on adjacent properties shall not be adversely affected;
 4. The owner shall obtain a building permit for the existing side entrance within 60 days of the decision of approval; 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:

The applicant is proposing to construct a 4.52 sq. m (48.65 sq. ft.) enclosure to an existing entrance located in the interior side yard of the property. A variance is required to reduce the minimum interior side yard setback.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.599m (1.97 ft.) to a proposed enclosed below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

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 Flowerstown Secondary Plan (Area 6). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit an interior side yard setback of 0.599m (1.97 ft.) to a proposed enclosed below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the By-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The configuration of the side entrance contemplates a proposed 4.52 sq. m (48.65 sq. ft.) enclosure around an existing entrance with doors on either sides of the structure to facilitate continuous access through the side yard. An interior side yard setback of 0.599m (1.97 ft.) is proposed between the enclosure and property line. Despite the reduced interior side yard setback, the addition of the structure is not anticipated to negatively impact drainage and access to the rear yard. Primary access to the rear yard is maintained on the opposite side of the property and the design of the structure allows for continuous access through the side yard. Subject to the recommended 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

The requested variance relates to a proposed enclosure surrounding an existing side entrance with a reduced minimum interior side yard setback. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected and that the below grade entrance shall not be used to access an unregistered second unit to ensure that any second unit on the premises is in accordance with City By-laws and permit requirements. Further, it is recommended that the owner shall obtain a building permit for the existing side entrance within 60 days of the decision of approval. Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit a reduction to the minimum interior side yard setback relating to a proposed enclosure for a side entrance. The reduced side yard setback and associated structure is not anticipated to impact drainage for the property and access to the rear yard. The requested variance, subject to the recommended conditions of approval, is considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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