

Filing Date: September 15, 2020

Hearing Date: October 20, 2020

File: A-2020-0084

**Owner/
Applicant:** AMIT BAGRI

Address: 57 Rosebud Avenue

Ward: 1

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0084 is supportable, in part, subject to the following conditions being imposed;

1. That Variances 1 and 2 be refused and the below grade entrance shall not be permitted;
2. That Variance 5 be refused and the building additions shall be removed within 180 days of the final date of the Committee's decision;
3. That the extent of Variances 3, 4, 6, and 7 be limited to that shown on the sketch attached to the Public Notice;
4. That the owner obtain a building permit for the existing additions 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;
5. That drainage from the accessory structure roof shall flow onto the applicant's property;
6. That the accessory structure between the main wall of the dwelling and the interior lot line be removed;
7. That drainage on adjacent properties not be impacted; and
8. 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 One – Special Section 3185 (R1D-3185)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit a 0.54m (1.77 ft.) interior side yard setback to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit lot coverage of 32.41% whereas the by-law permits a maximum lot coverage of 30%;
4. To permit an interior side yard setback of 0.94m (3.08 ft.) to a proposed below grade window in an interior side yard whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
5. To permit an interior side yard setback of 0.94m (3.08 ft.) to as-built additions in the interior side yard whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
6. To permit an accessory structure (shed) having a 0.0m setback to the property line whereas the by-law requires a minimum setback of 0.60m (1.97 ft.) for an accessory structure to all property lines;
7. To permit an existing hot tub having a side yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 1.2m (3.97 ft.).

Current Situation:**1. Conforms to the Intent of the Official Plan**

The property is designated "Residential" in the Official Plan and "Low Density Residential" in the Brampton Flowerdown 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

Variance 1 and 2 relate to proposed below grade entrance located within the interior

side yard of the property. Variance 1 is to permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 2 is to permit a 0.54m (1.77 ft.) interior side yard setback to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.)

The intent of prohibiting below grade entrances in the required interior side yard and requiring a minimum interior side yard setback is to ensure sufficient access is maintained to the rear yard. In the case of the subject property, the below grade entrance is located in the southern interior side yard of the property. The opposite interior side yard has a setback of 0.91m (2.98 feet) which does not provide sufficient access to the rear yard. Variances 1 and 2 do not maintain the general intent of the Zoning By-law.

Variance 3 is to permit lot coverage of 32.41% whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating the maximum permitted lot coverage is to ensure the dwelling constructed on the lot is appropriate relative to the size of the lot and the surrounding neighbourhood. The requested increase in lot coverage will still provide for a dwelling that is of appropriate size for the lot and neighbourhood. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the Zoning By-law.

Variance 4 is to permit an interior side yard setback of 0.94m (3.08 ft.) to a proposed below grade window in an interior side yard 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 setback to a below grade window is to ensure that, despite the required window well, sufficient area for drainage is maintained within the side yard. The proposed setback to the below grade window is anticipated to allow for sufficient area to maintain room for drainage. Subject to the recommended conditions of approval, Variance 4 is considered to maintain the general intent of the Zoning By-law.

Variance 5 is to permit an interior side yard setback of 0.94m (3.08 ft.) to as-built additions in the interior side yard whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). These building additions were constructed without building permits. The intent of the by-law in regulating the interior side yard setback is to ensure that sufficient space is provided to allow access to the rear yard. The location of the two building additions significantly impact the access to the rear yard, and result in the dwelling having no side yard equal to or greater than 1.2m (1.97 ft.). Variance 5 is not considered to maintain the general intent of the Zoning By-law.

Variances 6 and 7 relate to an existing shed and hot tub in the rear yard of the dwelling. The intent of the by-law in regulating the minimum required interior side yard for these types of structures is to ensure that sufficient area is provided for drainage, and so to not impact the drainage design for the property. The existing shed has eaves and a condition of approval is recommended that drainage from the structure flow onto the

applicant's property. The existing location of the shed and hot tub do not impact the overall drainage design for the property. Subject to the recommended conditions of approval, Variances 6 and 7 are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are in relation to proposed below grade entrance within the interior side yard of the property. The location of the below grade entrance and steps leading to it would significantly inhibit the access to the rear yard of the dwelling for both general purposes such as moving garbage bins or a lawn mower, as well as emergency purposes if required. Variances 1 and 2 are not considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit increased lot coverage. It is not anticipated that the increased lot coverage will negatively impact the overall massing or size of the dwelling relative to the streetscape and lot size. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

Variance 4 is to permit a reduced interior side yard setback to a below grade window. The proposed reduced setback is anticipated to provide enough space for drainage around the window well. Additionally, the construction of the window will be subject to a building permit which will ensure the window complies with the Ontario Building Code. Subject to the recommended conditions of approval, Variance 4 is considered to be desirable for the appropriate development of the land.

Variance 5 is to permit a reduced interior side yard setback to two existing building additions that were constructed without building permits. The two building additions are located within the only side yard on the property that provides full access to the rear yard, and the location of the additions negatively impacts that access, creating a need to trespass on the adjacent property to reach the rear yard. Variance 5 is not considered to be desirable for the appropriate development of the land.

Variances 6 and 7 are requested to permit reduced setbacks between the existing hot tub and the property line and the existing shed and the property line. The location of the hot tub does not negatively impact drainage on the property, and complements the outdoor amenity space. Further, the existing shed has eaves that direct drainage onto the subject property. Subject to the recommended conditions of approval, Variances 6 and 7 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 and 2 relate to proposed below grade entrance within the northern interior side yard. The location of the proposed below grade entrance and steps leading to it would significantly inhibit access to the rear yard. Variances 1 and 2 are not considered to be minor in nature.

Variance 3 is requested to permit increased lot coverage. The proposed increase is nominal in nature and is not anticipated that the increased lot coverage will negatively impact the overall massing or size of the dwelling relative to the streetscape and lot size. Subject to the recommended conditions of approval, Variance 3 is considered to be minor in nature.

Variance 4 is to permit a reduced interior side yard setback to a below grade window. The proposed reduced setback is anticipated to provide enough space for drainage around the window well. Subject to the recommended conditions of approval, Variance 4 is considered to be minor in nature.

Variance 5 is to permit a reduced interior side yard setback to two existing building additions that were constructed without building permits. The two building additions are located within the only side yard on the property that provides full access to the rear yard, and the location of the additions negatively impacts that access, creating a need to trespass on the adjacent property to reach the rear yard. Variance 5 is not considered to be minor in nature.

Variance 6 and 7 relate to an existing shed and an existing hot tub in the rear yard of the property. The two structures do not appear to be negatively impacting drainage on the existing properties or adjacent properties. Subject to the recommended conditions of approval, Variances 6 and 7 are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development