

**Filing Date:** March 23, 2021

**Hearing Date:** April 20, 2021

**File:** A-2021-0070

**Owner/**

**Applicant:** Manpreet Singh & Manjeet Kaur Saini

**Address:** 15 Ocean Avenue

**Ward:** 9

**Contact:** Andrew Ramsammy, Planner I, Development

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**Recommendations:**

That application A-2020-0070 is supportable in part, subject to the following conditions being imposed:

1. That the extent of the Variances 1 and 2 be limited to that shown on the attached Schedule A;
2. That Variance 3 be approved to a minimum width of 0.42m (1.37 ft.) of permeable landscaping adjacent to the side lot line as shown on the attached Schedule A;
3. That a building permit for the below grade entrance shall be obtained 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;
4. That the below grade stairs be constructed to provide steps on both sides of the landing as indicated on the attached Schedule A, to the satisfaction of the Director of Development Services;
5. That the below grade entrance shall not be used to access an unregistered second unit;
6. That drainage on adjacent properties shall not be adversely affected;
7. That the existing shed in the rear yard be relocated to meet minimum setback requirements of the Zoning By-law as shown on the attached Schedule A; and

8. 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 Single Detached D (R1D-751)" 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 side yard;
2. To permit an interior side yard setback of 0.16m (0.52 ft.) to an 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 0.21m (0.69 ft.) of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line.

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The property is designated as "Residential" in the Official Plan and "Low Density Residential 1" in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts 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 requests 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 side yard. The intent of the by-law in prohibiting below grade entrances in the interior side yard where the opposite side yard setback is less than 1.2m (3.94 ft) and where the setback to the stairs is less than 0.3m (0.98 ft) is to ensure that sufficient space is maintained to access the rear yard of the property and sufficient space is provided for drainage.

A condition of approval is recommended to construct below grade stairs on both sides of the landing leading to the rear yard as indicated on the sketch attached to the Notice

of Decision. Providing stairs on both sides of the landing will ensure sufficient space and a path of travel is provided to access the rear yard. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit an interior side yard setback of 0.16m (0.52 ft.) to an 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 the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained to access the rear yard of the property and that sufficient space is provided for drainage.

A condition of approval is recommended to construct below grade stairs on both sides of the landing leading to the rear yard as indicated on the sketch attached to the Notice of Decision. Constructing stairs to create steps on both sides of the landing will ensure sufficient space and a path of travel is provided to access the rear yard. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested to permit 0.21m (0.69 ft.) of permeable landscaping adjacent to the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line. The intent of the by-law in requiring a minimum permeable landscaping adjacent to the side lot line is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

A condition of approval is recommended to permit a 0.42m (1.37 ft.) minimum width of permeable landscaping adjacent to the side lot line. This will account for the existing driveway that encroaches into the required permeable landscape width. The existing driveway is not expected to have a significant impact on drainage for the subject property or the adjacent property. Subject to the recommended condition of approval, Variance 3 is 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 intended to facilitate a below grade entrance in the interior side yard. A condition of approval is recommended that the applicant construct the below grade stairs to create steps on both sides of the landing to ensure sufficient space and a path of travel is provided to access the rear yard. Staff are satisfied that this will allow a sufficient path of travel. An additional condition is recommended that the below-grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code.

Variance 3 relate to an existing driveway that has been extended slightly past the dwelling footprint towards the interior side yard. This leaves 0.42m (1.37 ft.) of permeable landscaping adjacent to the side lot line. A condition of approval is recommended to permit a 0.42m (1.37 ft.) minimum width of permeable landscaping

adjacent to the side lot line. This will account for the encroachment of the existing driveway to the interior side yard permeable landscaping. Staff are satisfied that the recommended reduced permeable landscaping adjacent to the side lot line will be sufficient for drainage and have minimal impact on drainage for the subject property and the adjacent property.

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

Variances 1 and 2 to permit an exterior stairway leading to a below grade entrance in the interior side yard, and to permit a reduced interior side yard setback of 0.16m (0.52 ft.) to the exterior stairway will not create any adverse impact when subject to the recommended conditions of approval. The recommended exterior below grade stairs will minimize the impact of the location of the below grade entrance on the path of travel to the rear yard.

Variance 3 to permit a reduced width of permeable landscaping adjacent to the side lot line is not expected to have any adverse impact subject to the recommended condition of approval to permit a minimum permeable landscape of 0.42m (1.37 ft.) adjacent to the side lot line. The existing driveway is not expected to have an adverse impact on the drainage for the subject property or the adjacent property.

The requested variances, subject to the recommended conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A Ramsammy', is written over a solid black horizontal line.

Andrew Ramsammy, Planner I, Development

# **SCHEDULE A**

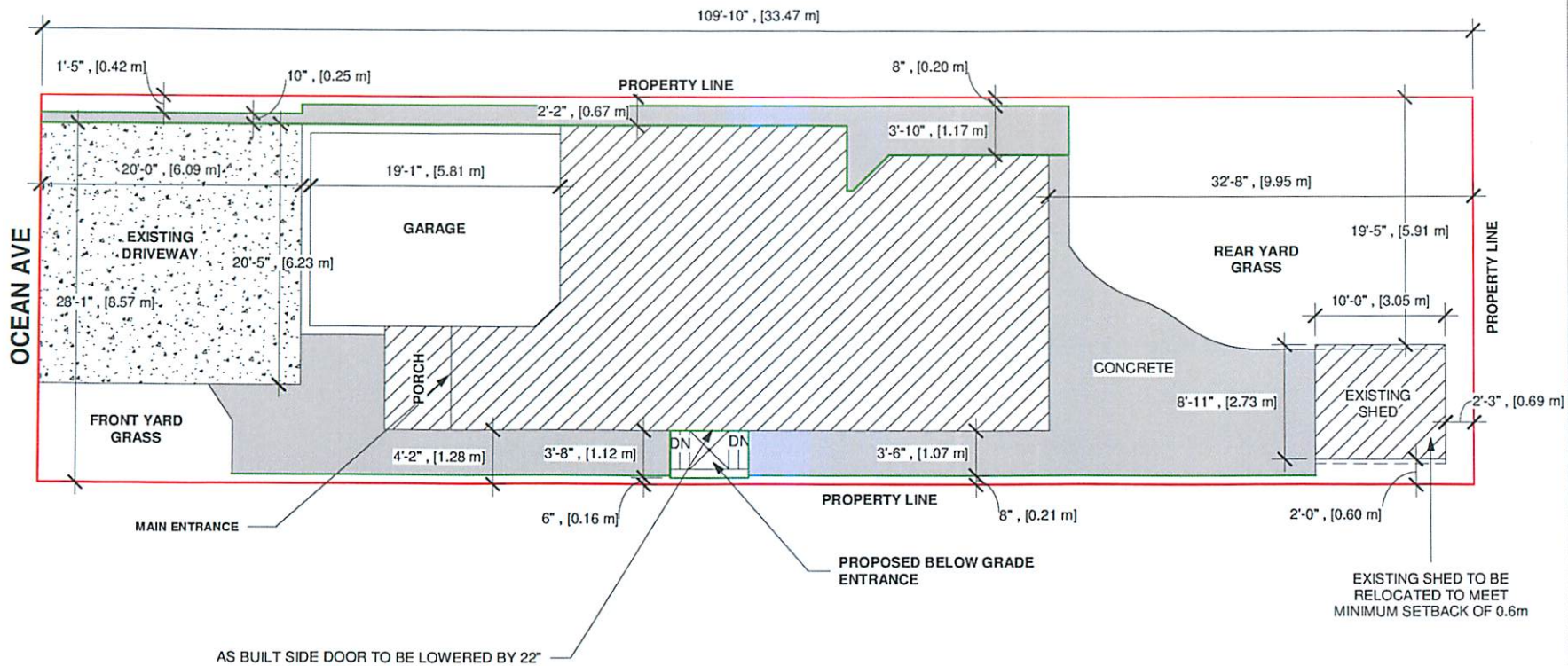
LOT : 74  
15 OCEAN AVE  
2 STOREY DETACHED HOUSE

## **MINOR VARIANCE**

-TO PERMIT AN INTERIOR SIDE YARD SETBACK OF 0.16M TO AN EXTERIOR STAIRWAY LEADING TO A BELOW GRADE ENTRANCE WHEREAS THE BY-LAW REQUIRES A MINIMUM INTERIOR SIDE YARD SETBACK OF 1.2M;

-TO PERMIT 0.21M OF PERMEABLE LANDSCAPING ADJACENT TO THE SIDE LOT LINE WHEREAS THE BY-LAW REQUIRES 0.6M OF PERMEABLE LANDSCAPING ADJACENT TO THE SIDE LOT LINE;

-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 STAIRWAY CONSTRUCTED BELOW ESTABLISHED GRADE IN THE REQUIRED SIDE YARD.



SITE PLAN

01 ISSUED FOR PERMIT MAR 08/21

ADDRESS:  
15 OCEAN AVENUE,  
BRAMPTON, ON

DRAWN BY: NK CHECKED BY: JB

PROJECT NUMBER: 21R-22747

**NOBLE PRIME SOLUTIONS LTD**

2131 WILLIAMS PARKWAY  
BRAMPTON, ON  
UNIT 19

(437)-888-1800

DATE: MAR 09/21

SCALE: 1:100

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