



Report Committee of Adjustment

Filing Date: September 23, 2022

Hearing Date: October 25, 2022

File: A-2022-0305

**Owner/
Applicant:** NAWRAJ SINHA AND KAPOOR SINHA

Address: 138 Fandango Drive

Ward: WARD 5

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2022-0305 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. The owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the city's road allowances;
 3. 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 2A (R2A-1313)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of a dwelling and the flankage lot line;

2. To permit an exterior side yard setback of 2.9m (9.51 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
3. To permit a 4.2m (13.78 ft.) separation distance between a driveway and the point of intersection of two streets whereas the by-law requires a minimum 6.0m (19.68 ft.) separation distance between a driveway and projected point of intersection of two streets.

Current Situation:

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

The property is designated as 'Residential' in the Official Plan and 'Low Density 2' in the Credit Valley Secondary Plan (Area 45). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan.

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

The applicant is requesting approval for two variances relating to a proposed below grade entrance. The Variance 1 is requested to permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line. Variance 2 is requested to permit an exterior yard setback of 2.9 metres (9.51 feet) to a proposed below grade entrance whereas the bylaw requires a minimum lot exterior side yard setback of 3.0 metres (9.84 feet). The intent of the by-law in not allowing below grade entrances between the main wall of the dwelling and the flankage lot line, and requiring a minimum amount exterior side yard setback is to ensure sufficient space is provided to allow for drainage and access to the rear yard, and that the below grade entrance does not negatively impact the overall streetscape.

The proposed stairway leading to a below grade entrance encroaching into the required exterior side yard is not considered to have significant impact on drainage and sufficient space of 2.9 metres (9.51 feet) is maintained for access to the rear yard. In order to limit potential negative visual impacts to the streetscape, the applicant is proposing a planting of vegetation to screen the proposed below grade entrance. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 seeks to permit a minimum separation distance of 4.2 metres (13.77 feet) to a driveway from the projected point of intersection of two streets whereas the by-law requires a minimum separation distance of 6.0 metres (19.68 feet) between the driveway and the projected point of intersection of the two streets. The intent of the by-law is to maintain a separation to allow for sufficient space between any structures and vehicles from the roadways and pedestrian walkways. Upon staff inspection and feedback from the City's traffic department, it was observed that sufficient space is available between structures and vehicles and the request does not impact safety. Traffic confirmed that there is adequate space available between a driveway and projected point of intersection. Variance 3 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 variances are intended to permit a below grade entrance along with exterior side yard setback, an extended driveway width, and decrease to the minimum separation distance. A condition of approval is recommend that the owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operation Section for any construction within the city's road allowances. The variances are considered desirable for the appropriate development of the land as they do not generate negative impacts on-site or off-site.

4. Minor in Nature

The variances requested for the construction of a below grade entrance are not considered to have significant impact on drainage or limiting access to the property. Variance 1 is deemed minor. The requested variances 2 and 3 for the extended driveway and the projected point of intersection of two streets is not anticipated to impose any negative impacts on the property or any negative impacts on the property or the surrounding properties. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician