



Report Committee of Adjustment

Filing Date: December 9, 2022

Hearing Date: January 24, 2023

File: A-2022-0401

**Owner/
Applicant:** Sukhpal Singh and Gurjant Singh

Address: 73 Blackthorn Lane

Ward: WARD 1

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2022-0401 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 owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That the fence used to screen the below grade entrance shall be maintained as currently constructed, and shall no be removed or lowered, but may be repaired or replaced when necessary;
 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:

Existing Zoning:

The property is zoned 'Residential Single Detached B(3) (R1B(3)-153)', according to By-law 270-2004, as amended.

Requested Variances:

The applicants are requesting the following variances:

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

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The Residential designation supports the current use and the requested variances are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and 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

The subject lands are currently zoned 'Residential Single Detached B(3),' Special Section 153 (R1B(3)-153), according to By-law 270-2004, as amended.

The requested variance is 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 the dwelling and the flankage lot line. The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape.

The existing below grade entrance is constructed along the eastern wall of the detached dwelling located on a corner lot. The below grade entrance will be accessed by four steps leading to a below grade landing and a door. Upon staff visit, it was noted that the existing below grade entrance is located behind an existing fence. As a result, the below grade entrance is not considered to negatively impact the overall streetscape as it will be screened from the streetscape by the fence and not be visible. A condition of approval is recommended that the fence used to screen the below grade entrance shall be maintained as currently constructed, and shall not be removed or lowered, but may be repaired or replaced when necessary. Additionally, the below grade entrance shall not be used to access an unregistered second unit. 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 is requested to permit a below grade entrance between the main wall of the dwelling and flankage lot line on a corner lot. The location of the below grade entrance is adequately fenced and screened to the satisfaction of the Planning Department. Subject to the recommended conditions of approval, the variance is considered desirable and appropriate for the development of the land as it is not anticipated to generate negative impacts to the streetscape.

4. Minor in Nature

The requested variance to facilitate the existing below grade entrance between the main wall of a dwelling and the flanking lot line. Given the below grade entrance is adequately screened behind an existing fence, staff are satisfied that the existing streetscape will not be negatively impacted. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

