



Report Committee of Adjustment

Filing Date: February 6, 2023

Hearing Date: March 7, 2023

File: A-2023-0038

**Owner/
Applicant:** SUKHVINDER SINGH / NOBLE PRIME SOLUTIONS – NAVPREET KAUR

Address: 22 Moorcroft Place

Ward: WARD 8

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0038 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The Minor Variance application is seeking the approval to construct a below grade entrance with an exterior stairway located in the interior side yard of a detached dwelling on an interior lot. The subject property is part of a subdivision (43M-2092) that has not yet been assumed by the City. Staff have reached out to the Developer and were provided with comments relating to restoration of the drainage should the applicant proceed with the requested variance. The applicant and owner were provided with the comments received from the Developer as provided in Appendix B.

Existing Zoning:

The property is zoned 'Residential Zone – Special Section MZO 171-20', 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 an interior side yard setback of 0.1m (0.33 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires an interior side yard setback of 1.2m (3.94 ft.).

Current Situation:

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

The property is designated as 'Residential' in the Official Plan and 'Residential Medium Density' within the Bram East Secondary Plan (Area 41a). The requested variance is not considered to have significant impacts within the context of the Official Plan. Subject to the recommended conditions of approval, the requested variance 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

Variance 1 is requested 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 requested to permit an interior side yard setback of 0.1m (0.33 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires an interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in requiring a minimum setback to any stairs or landing serving a below grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained.

Despite the reduced interior side yard width, the addition of the exterior stairwell leading to a below grade entrance is not anticipated to negatively impact drainage. The proposed configuration entrance contemplates a below grade landing accessed by two riser steps in both directions with a 0.1m (0.33 ft.) interior side yard setback. Access to the rear yard is maintained as the design of the proposed below grade entrance does not impede travel which reduces the need to trespass onto the neighbouring property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit an exterior stairway leading to a below grade entrance in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.1m (0.33 ft.) 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.). A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. The design of the proposed exterior

stairwell presents a continuous path and maintains access to the rear yard, and therefore is desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit an exterior stairway leading to a below grade entrance in the required interior side yard. Access to the rear yard is maintained as the design of the proposed below grade entrance does not impede travel to the rear yard as it presents a continuous path through the provision of riser steps on both sides of the landing. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos





To: Sebastian Aristizabal, C.E.T.
Lot grading technician,
Development Construction, City of Brampton

Date: February 21, 2023

From: Sergio Sosa, B.Eng.
Director of Low-Rise Construction
Deco Homes

Re: Lot 103, 22 Moorcroft Place
Side entry permit application

Hi Sebastian, I have received the emails from Levon Fermanian, consulting engineer from Schaeffers Ltd., with regards to the above Side Entry permit application.

As per the email trail, the exterior grading inspection for this lot was inspected and passed on October 12, 2022.

Deco homes have no issues with the current application to modify the side yard setbacks in order to allow for a side door entry to this home.

The neighboring lot is also closed and occupied, and if the occupants of the neighboring lot have no complaints in this regard, this change does not present any issues to us.

Please note that Deco homes will not be responsible for restoring the drainage to either one of the units affected by this permit application. Furthermore, Deco homes cannot for any reason be made responsible for any damages and or structural issues that may arise with lot 103, 22 Moorcroft place, because of the work being done by a third party contractor.

I hope this letter satisfies your requests.

Yours truly,



Sergio Sosa, B. Eng.
Director of Low-Rise Construction
Deco Homes.