



Report Committee of Adjustment

Filing Date: January 23rd, 2023

Hearing Date: March 7th, 2023

File: A-2023-0019

**Owner/
Applicant:** JANGBAHADUR SINGH MANN

Address: 80 CANDY CRESCENT

Ward: WARD 5

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0019 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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; and
 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 Single Detached D (R1D-463)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an above grade door in the side wall where a minimum side yard width of 0.94m (3.08ft) is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit an above grade door in the sidewall unless a minimum side yard width 1.2m (3.94ft) extending from the front wall of the dwelling up to and including the door is maintained;

2. To permit a reduced path of travel of 0.94m (3.08ft) leading to a principal entrance for a secondary unit, whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94ft) to be provided as a path of travel from the front yard to the entrance for a secondary unit; and
3. To permit an existing accessory structure (shed) having a setback of 0.2m (0.66 ft.) to the nearest property line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and further designated 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). 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 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 above grade door in the side wall where a minimum side yard width of 0.94m (3.08ft) is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit an above grade door in the sidewall unless a minimum side yard width of 1.2m (3.94ft) extending from the front wall of the dwelling up to and including the door is maintained. The intent of the by-law in requiring a minimum side yard width of 1.2m (3.94ft) extending from the front wall of the dwelling up to and including the door is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

Variance 2 is requested to permit a reduced path of travel of 0.94m (3.08ft) leading to a principal entrance for a secondary unit, whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94ft) to be provided as a path of travel from the front yard to the entrance for a secondary unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

As per site visit conducted by Staff, it was determined that 0.94m (3.08ft) provides sufficient area for access to the rear yard, and access to the secondary unit for both everyday and emergency purposes (see Appendix A). A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, Variances 1 and 2 maintain the general intent and purpose of the by-law.

Variance 3 is requested to permit an existing accessory structure (shed) having a setback of 0.2m (0.66 ft.) to the nearest property line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines. The intent of the by-law in requiring a minimum setback from an accessory structure to the nearest property lines is to ensure that sufficient space is maintained for drainage and access for maintenance of the shed. As per site visit conducted by Staff

(see Appendix A), it was determined that a 0.4m (1.31 ft) setback reduction provides adequate space to allow for the maintenance of the shed as the three remaining exterior walls of the shed are easily accessible. Moreover, City engineering staff confirmed that the reduced setback does not negatively impact either drainage. Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

The requested variances 1 and 2 are intended to permit an above grade entrance within the side yard and reduce the required minimum path of travel. As per the main floor plan provided by the applicant (see Appendix B), the applicant is proposing an interior staircase landing within the home. As the proposed staircase landing will be located on the interior of the dwelling, Staff do not anticipate any issues in regard to drainage on the subject property and/or negative impacts on the abutting property. As per site visit conducted by Staff, a clear unobstructed path of travel is maintained for access to the rear yard (see Appendix A). Moreover, a sufficient area of 1.20m (3.94 ft) is also provided on the other side of the dwelling, further maintaining access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit.

Variance 3 is requested to permit existing site conditions for an accessory structure (shed) with a reduced setback to the nearest property lines. After review of the requested variance, Engineering staff have no concerns in regard to drainage. Furthermore, wooden fencing is located along both the rear and side yard property lines providing adequate screening to abutting properties. There are no homes along abutting the rear yard of the property as the rear yard fronts Chinguacousy Road. The existing noise wall and street trees provide further buffering of the proposed shed. Staff are of the opinion that the existing shed does not negatively impact both the streetscape and adjacent properties.

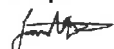
Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances for the existing accessory structure (shed) with reduced setbacks and the construction of an above grade entrance with a reduced side yard setback and path of travel are not considered to have significant impact on drainage or limiting access to the property. The existing shed is currently screened in a manner that reduces its impact on the streetscape and neighboring properties. Furthermore, the proposed interior staircase landing for the above grade door allows for a sufficient setback of 0.94m (3.08ft) for both drainage and access to the rear yard to be maintained.

As such, Variances 1, 2, and 3 are deemed minor in nature. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Site Visit Photos:



Appendix B – Main Floor Plan:

