



Report Committee of Adjustment

Filing Date: January 23rd, 2023

Hearing Date: March 7th, 2023

File: A-2023-0018

**Owner/
Applicant:** NAVDEEP SINGH CHHINA AND TABIR CHHINA

Address: 2 BENHURST CRESCENT

Ward: WARD 6

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0018 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;
 3. That the proposed fence used to screen the below grade entrance shall be constructed as shown on the sketch, shall not be removed or lowered but may be repaired or replaced when necessary, and shall not remove or affect the existing fence on the property; and
 4. 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 following minor variance application for 2 Benhurst Crescent is located on Lot 75 of unassumed subdivision C04W16.003 / 21T-20012B. It is noted that on February 24th, 2023, subdivision developer Melrose Investments provided no objections to the requested variances, subject to the applicant not removing or affecting the existing fence on the property and the City not holding Melrose Investments liable for any damage to the existing fence from the construction of the stairs and/or the below grade entrance.

A previous minor variance application (A-2017-0100) was submitted by Waneless Developments Inc. and RN Design Limited for the entire unassumed subdivision prior to Part Lot Control. This minor variance application was submitted to permit a minimum interior side yard setback of 0.5m (1.64 ft.) to a rear lane attached garage whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The application was approved by the Committee of Adjustment on June 20th, 2017 (see Appendix A).

Existing Zoning:

The property is zoned 'Residential Single Detached F-x Special Section 2214 (R1F-9-2214)', 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 prohibits below grade entrances between the main wall of a dwelling and the flankage lot line; and
2. To permit an exterior side yard setback of 2.11m (6.92 ft) to a below grade entrance, whereas the by-law requires a setback of 3.0m (9.84 ft.).

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 'Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). 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 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 side yard setback of 2.11m (6.92 ft.) to a proposed below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). 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, access to the rear yard, and to minimize any visual impacts to neighbouring properties.

The proposed stairway leading to the below grade entrance encroaching into the required exterior side yard is not considered to have significant impact on drainage, as adequate landscaping is provided on the front and exterior side yard. Furthermore, a sufficient setback of 2.11m (6.92 ft.) maintains a clear

path of travel for access to the rear yard and the proposed fencing surrounding the below grade entrance minimizes any visual impacts to neighbouring properties.

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 are 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 1 and 2 are intended to permit a below grade entrance within the exterior side yard. As the applicant is also proposing a wooden fence along the exterior side yard in order to properly screen the below grade entrance, staff do not anticipate any negative visual impacts on either the streetscape or abutting properties. Furthermore, the proposed fence materials will aim to match and connect to the existing wooden fencing on the property. A condition of approval is recommended that the proposed fence used to screen the below grade entrance shall be constructed as shown on the sketch, shall not be removed or lowered but may be repaired or replaced when necessary, and shall not remove or affect the existing fence on the property.

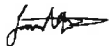
A condition of approval is also recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances for the construction of a below grade entrance and reduced exterior side yard setback are not considered to have significant impact on drainage or limiting access to the property. Furthermore, the below grade entrance is proposed to be screened at the flankage line by wooden fencing of a similar size, height, and material to the existing fence located toward the rear yard and will connect to the existing fence in an aesthetically pleasing manner. The proposed below grade entrance is to be screened in a manner that reduces its impact on neighboring properties and the overall streetscape. As such, Variances 1 and 2 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



BRAMPTON
Flower City

Notice of Decision

Committee of Adjustment

FILE NUMBER A17-100

HEARING DATE JUNE 20, 2017

APPLICATION MADE BY WANLESS DEVELOPMENTS INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; **ZONING BY-LAW 270-2004** AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCE:

1. To permit a minimum interior side yard setback of 0.5m (1.64 ft.) to a rear lane attached garage.

(NORTH OF WANLESS DRIVE AND EAST OF MISSISSAUGA ROAD – PT. OF LOT 16, CONC. 4 WHS, BLOCKS 273, 274, 316, 317 & 318 ON DRAFT PLAN OF SUBDIVISION 21T-10012B)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

REASONS: **SEE SCHEDULE "A" ATTACHED**

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: R. Crouch

SECONDED BY: R. Nurse

SIGNATURE OF CHAIR OF MEETING: [Signature]

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

[Signature]
MEMBER

H. Nurse
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER

DATED THIS 20TH DAY OF JUNE, 2017

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE JULY 10, 2017

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

[Signature]
SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca

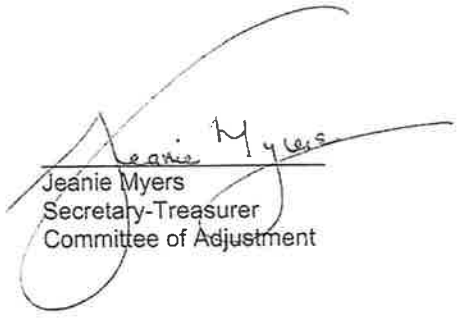
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: **A17-100**

DATED: **JUNE 20, 2017**

Conditions:

1. That within eighteen (18) months from the Committee's decision, the owner shall, to the satisfaction of the Director of Development Services, demonstrate that a maintenance easement has been created between attached garages on Lots 121, 122, 123, and 124 (on Block 317), and on Lots 113, 114, 115, 116, 117, and 118 (Block 316), and Lots 127, 128, 129, and 130 (on Block 318), and on Lots 3, and 4 (Block 273), and on Lots 7, 8, 9, and 10 (Block 274) shown on the sketches provided with the Public Notice.
2. That the variance shall be limited to the extent shown on the sketch attached to the Public Notice.
3. That a minimum 0.5 metre setback is provided to the garage on the common side yard of the abutting property to provide a minimum combined 1.0 metre separation distance between garages.
4. The drainage from the dwelling, the attached garage and the connection in between shall flow onto the respective properties, and drainage on adjacent properties shall not be adversely impacted.
5. That a clause be included within the Agreement of Purchase and Sale for the property advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances.
6. Failure to comply with and maintain the condition of the Committee will render the variance null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment