



Report Committee of Adjustment

Filing Date: May 2, 2023
Hearing Date: May 30, 2023

File: A-2023-0132

**Owner/
Applicant:** LUIS CARATING

Address: 154 Avondale Boulevard

Ward: WARD 7

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0132 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 constructed fence used to screen the below grade entrance shall be constructed as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
 3. That drainage on adjacent properties should not be adversely affected;
 4. The applicant shall adhere to the City of Brampton Tree Preservation By-law 317-2012 and shall obtain a tree removal permit and/or provide tree compensation to the satisfaction of the City of Brampton Urban Forestry Department;
 5. The below grade entrance shall not be used to access an unregistered second unit; and
 6. 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 B (R2A)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.17 metres (0.56 ft.) to a proposed below grade entrance whereas the by-law requires a minimum setback of 0.3 metres (0.98 ft.) provided that a continuous side yard width of no less than 1.2 metres (3.94 ft.) is provided on the opposite side.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramlea Secondary Plan (Area 3). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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

The applicant is requesting a variance to permit an interior side yard setback of 0.17 metres (0.55 ft.) to a proposed below grade entrance whereas the by-law requires a minimum setback of 0.3 metres (0.98 ft.) provided that a continuous side yard width of no less than 1.2 metres (3.94 ft.) is provided on the opposite side. The intent of the by-law in prohibiting a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard. When evaluating whether the location of a below grade entrance and resulting interior side yard setback is appropriate, staff look to ensure that its location will not contribute to trespassing onto adjacent properties. City Engineering Staff have reviewed the proposed development and are satisfied with the application as it does not negatively impact drainage on the subject parcel or abutting property. Permeable landscaping still surrounds the entrance of the stairway and side yard and the applicant is aware that if any trees have to be removed, they are to obtain a tree removal permit or provide compensation that is satisfactory to the City. Subject to the conditions of approval, Variance 1 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 interior side yard setback that is less than what is required by the Zoning By-law in order to construct a below grade entrance. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current proposal as permeable landscaping surrounds the side yard, ensuring drainage will not be significantly impacted. Conditions of approval are included in the report, citing that the below grade entrance shall not be used to access an unregistered second unit. Given the context of the site, Staff believe that the stairs will be appropriately located. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard as residents will not need to encroach on adjacent lots. The location of the proposed below grade entrance to access the house is appropriate given the site context. Staff have determined that sufficient space is provided to allow for drainage and therefore, should not negatively impact abutting properties. No negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, Variances 1 is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

