



Report Committee of Adjustment

Filing Date: May 23, 2023
Hearing Date: June 20, 2023

File: A-2023-0161

**Owner/
Applicant:** ICYLIN BROWN AND ANGEL BROWN

Address: 1 Stillman Drive

Ward: WARD 5

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0161 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. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix B) showcasing the fence screening the below grade entrance;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That the proposed fence used to screen the future below grade entrance shall be maintained, and shall not 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.
-

Background:

The Minor Variance application is seeking approval for an existing accessory structure to be located in the exterior side yard, an increased fence height, and a proposed below grade entrance located between the main wall of the dwelling and flankage lot line. The subject lands are part of a subdivision (File Number: C03W08.001, 21T-01040B) that has not yet been assumed by the City. Staff have reached out to the developer and were provided with comments relating to the grading and assumption process. The applicant and owner were provided with the comments received from the developer as provided in Appendix C and have no concerns.

Existing Zoning:

The property is zoned 'Residential Semi-Detached A (R2A-138)', 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 the 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;
2. To permit an existing accessory structure (shed) in the exterior side yard whereas the by-law does not permit accessory structures to be located within the exterior side yard;
3. To permit a fence in the exterior side yard having a height of 2.4m (7.87 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.).

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Special Policy Area 5 - Low Density 2 Residential' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and 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 subject property is currently zoned Residential Semi-Detached A', Special Section 138 (R2A-138), according to By-law 270-2004, as amended.

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 the flankage lot line. The intent of the by-law in prohibiting below grade entrances in the exterior side yard is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape.

The proposed below grade entrance will be constructed along the western wall of the dwelling located on a corner lot. The below grade entrance will be accessed by two steps leading to a side door. The applicant has revised their drawing to extend the existing fencing to provide screening (see Appendix B). 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, 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.

Variance 2 is requested to permit an accessory structure (shed) in the exterior side yard whereas the by-law prohibits accessory structures to be located within the required exterior side yard. The intent of the by-law in prohibiting accessory structures in the exterior side yard is to ensure that the appearance of the structure does not negatively impact the overall streetscape.

The subject property is located on a corner lot and the existing shed is located in the exterior side yard of the lot. The accessory structure is appropriately setback and screened by an existing wooden fence enclosing the rear yard. The location and appearance of the shed is not anticipated to negatively impact the overall streetscape. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a fence in the exterior side yard having a height of 2.4m (7.87 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.). The intent of the by-law in regulating maximum fence height is to ensure that fences do not create adverse impacts such as limiting views or excessive shadows to neighbouring properties or adjacent streetscapes.

The owner has installed a 2.4m (7.87 ft.) high privacy wooden fence which is 0.40m (1.31 ft.) higher than what the by-law permits. The fencing has been installed along a small portion of the side yard on the corner lot to provide screening from the public. The fencing does not create any adverse impacts to the subject lot or adjacent properties. Variance 3 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 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.

Variance 2 is requested to permit the location of the existing shed in the rear yard of the residential property. While the location of the accessory structure is not permitted in the by-law, given that the property is situated on a corner lot, the overall size of the accessory structure is not anticipated to cause negative visual impacts to the streetscape as it will be screened by an existing wooden fence. Variance 2 is considered desirable and appropriate for the development of the land.

Variance 3 is requested to permit the existing fencing to remain and is not considered to alter the character of the property or create any adverse impacts. A condition of approval is recommended that the privacy fence not be extended further along the existing fence on the property. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

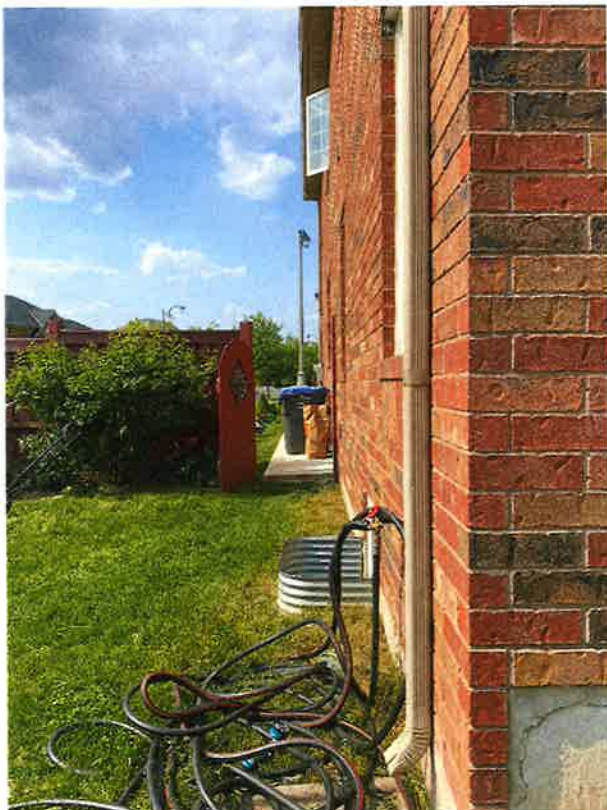
The requested variances to permit the location of the existing accessory structure in the exterior side yard, increased fence height, and proposed below grade entrance are not expected to create adverse visual impacts or limit the provision of amenity space. The existing shed and proposed below grade entrance are adequately screened from the streetscape by existing fencing. Furthermore, the shed and below grade entrance maintain all other zoning requirements including setback, size, height, etc. Subject to the recommended condition of approval, the existing wooden fencing would provide screening from the street and public view which would thereby eliminate negative impacts to the streetscape and reduce visibility of the below grade entrance and shed from the public. As a result, the variances are considered minor in nature.

Respectfully Submitted,

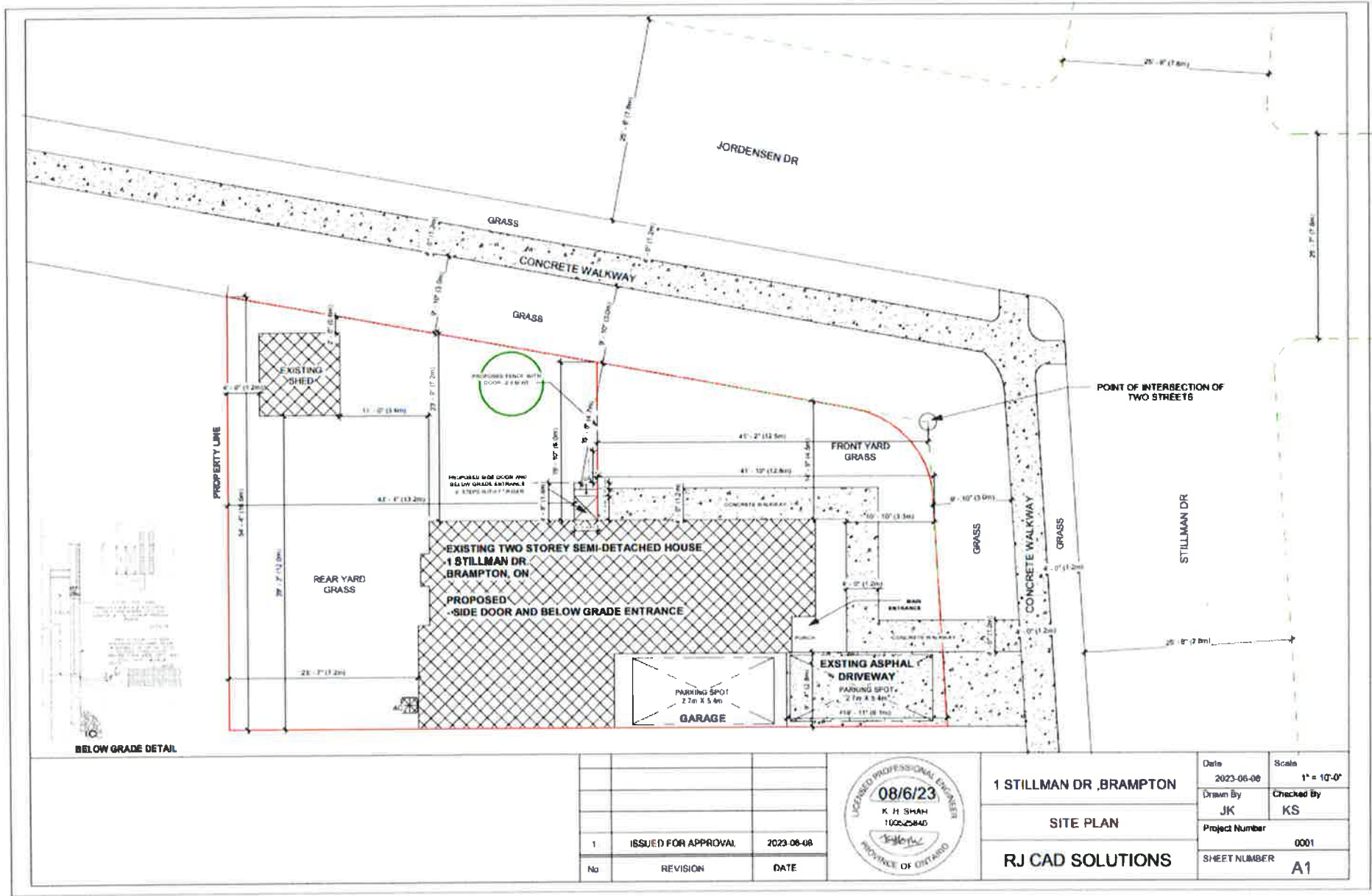
Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions



Appendix B – Revised Site Plan



BELOW GRADE DETAIL

No	REVISION	DATE
1	ISSUED FOR APPROVAL	2023-06-08



1 STILLMAN DR, BRAMPTON
 SITE PLAN
 RJ CAD SOLUTIONS

Date	2023-06-08	Scale	1" = 10'-0"
Drawn By	JK	Checked By	KS
Project Number	0001		
SHEET NUMBER	A1		

Appendix C – Correspondence with the developer and applicant

Patel, Rajvi

From: Kruti Shah <kruti@rjcad solutions.com>
Sent: 2023/06/14 10:19 AM
To: Patel, Rajvi; Amritpal Kaur
Subject: [EXTERNAL]Re: A-2023-0161 - 1 Stillman Drive

Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.

Hi Rajvi,

Thank you for the update.

We don't have any concerns .
Please go ahead with the application.

Regards,

Kruti Shah, P.Eng.
RJ Cad solutions Inc.
Cell:647-532-3593
Office:905-913-5200
4 Abacus Road, Unit # 12
Brampton, ON L6T 5J6
www.rjcad solutions.com

On Tue, 13 Jun 2023 at 11:46, Patel, Rajvi <Rajvi.Patel@brampton.ca> wrote:

Hi Kruti,

Staff are reviewing minor variance application A-2023-0161 for 1 Stillman Drive and have noted that the property is located within an unassumed subdivision that has not yet been assumed by the City.

City staff reached out to the developer, and were provided with the following feedback below in **red** relating to the grading and assumption process:

No issues except as noted. The developer would like to ensure the following;

- 1. The grading is reinstated as per the site plan.**

1

2. The work by the homeowner does not affect the assumption process of the site by the City of Brampton.

Please kindly confirm receipt of this email and if there are any issues with the comments provided. If you have any questions and/ or concerns, please do not hesitate to contact me.

Kind regards,

Rajvi Patel

Assistant Development Planner

Planning, Building and Growth Management

City of Brampton

2 Wellington Street West | Brampton, ON | L6Y 4R2

rajvi.patel@brampton.ca



Please review the City of Brampton e-mail disclaimer statement at: <http://www.brampton.ca/EN/Online-Services/Pages/Privacy-Statement.aspx>

[EXTERNAL]FW: Re: CofA A-2023-0161 (1 Stillman Dr)



Tom Cobitz [REDACTED]
To: Thompson, Adam
Cc: Randy Eadie ([REDACTED]); Daniel De Francesca

A-2023-0161 - Copy of Submitted Application.pdf
993 KB

Start your reply all with: [Thank you!](#) [Understood. Thank you.](#) [Thank you for the clarification.](#) [Feedback](#)

Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.

Hi Adam,

No issues except as noted. The developer would like to ensure the following;

1. The grading is reinstated as per the site plan.
2. The work by the homeowner does not affect the assumption process of the site by the City of Brampton.

Thanks,

Tom Cobitz
Field Services Manager

GHD
T: [REDACTED] | F: [REDACTED] | V: [REDACTED] | C: [REDACTED] | E: [REDACTED]
140 Allstate Parkway Suite 210 Markham Ontario L3R 5Y8 | www.ghd.com

WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY & BUILDINGS | TRANSPORTATION