

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

File: A-2023-0166

**Owner/
Applicant:** **PARAM PAL SINGH JANDU & AMANDEEP KAUR JANDU**

Address: **48 Emerald Coast Trail**

Ward: WARD 6

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0166 be refused

Background:

The Minor Variance application is seeking approval to construct a below grade entrance with stairs located in the required interior side yard of the detached dwelling. Two variances are required to facilitate the construction of the proposed above grade entrance. The subject property is part of a subdivision that has not yet been assumed by the City.

Existing Zoning:

The property is zoned 'Residential Single Detached F-x- Special Section 2448 (R1F-2448)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard; and

2. To permit an interior side yard setback of 0.01m (0.03 ft.) to a below grade entrance whereas the by-law requires a minimum 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 'Residential' in the Official Plan and 'Low/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. 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 in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard. Variance 2 is requested to permit a below grade entrance in the interior side yard having a setback of 0.01m whereas the by-law requires a minimum interior side yard setback of 1.2m. The intent of the by-law in prohibiting below grade entrances 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 and preventing the encroachment on neighbouring property.

As previously mentioned, the property is located within a subdivision which the City has not yet assumed from the developer. Staff are concerned over the potential for negative impacts to drainage resulting from the below grade stairway and reduced interior side yard setback. Due to the size of the proposed setback, the developer's engineer does not recommend permitting the below grade basement entrance at this location as it can potentially impact drainage on the subject parcel and neighbouring properties. Variance 1 and 2 do not meet the general intent of the Zoning by-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit a below grade entrance in the interior side yard and resulting reduction to the interior side yard setback. The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. Until the subdivision is assumed, the developer is responsible for ensuring that ongoing requirements of the subdivision under maintenance be respected, including requirements relating to drainage and grading. The proposed below grade entrance could impact the lot grading requirements or drainage in the interior side yard of the subject property for which the developer is currently responsible. Variances 1 and 2 are not considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are related to the proposed works on the property that involve some element of the grade being affected. Correspondence from the developer's engineer has been received noting

concerns with the requested variances. Staff maintain that there are concerns related to works related to construction, as well as grading issues that could arise as a result of this minor variance application. The development may have a direct impact on the City's assumption process. The proposed variances do not conform to the general intent of the Zoning By-law and are not desirable for the appropriate development of the subject property. As a result, Variance 1 and 2 are not considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

From: Jeff Gillingham <jgillingham@urbantech.com>
Sent: 2023/06/05 3:52 PM
To: Talar, Matt <matt.talar@brampton.ca>; Martino Gabra <martino.gabra@mattamycorp.com>; Stoeckl, Anton <Anton.Stoeckl@brampton.ca>
Subject: [EXTERNAL]RE: CofA A-2023-0166 (48 Emerald Coast Trl)

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

Good afternoon.

They are proposing 1cm from property line to edge of the basement entrance, no offset whatsoever... this will completely block the side yard drainage. I wouldn't approve this application.

Regards

Jeff Gillingham, C.E.T, CAN-CISEC
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