



Report Committee of Adjustment

Filing Date: May 12, 2023
Hearing Date: June 20, 2023

File: A-2023-0150

**Owner/
Applicant:** NELSON UMANA & FATIMA MORALES

Address: 62 Garside Crescent

Ward: WARD 8

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0150 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. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 3. That drainage on adjacent properties should not be adversely affected;
 4. The below grade entrance shall not be used to access an unregistered second unit; and
 5. 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 A (1) - Special Section 100 (R2A(1)-100)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 1.72m (5.64 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.);
3. To permit an existing attached carport with an interior side yard setback of 0.46m (1.51 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) to an attached carport;
4. To permit a lot coverage of 34.98%, whereas the by-law permits a maximum lot coverage of 33.3%.

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 Bramalea 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

Variance 1 is requested to permit an exterior stairway to an existing below grade entrance in the required interior side yard whereas the by-law does not permit the construction of exterior stairways in the required interior side yard. Variance 2 is requested to allow an interior side yard setback of 1.72 metres to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 3.0 metres. The intent of the by-law in prohibiting an exterior stairway to 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 are appropriate, staff look to ensure that its location will not contribute to

trespassing onto adjacent properties. Staff are of the opinion that a setback of 1.72 metres provides sufficient space that will allow access to the front and rear yards of the property, limiting the possibility for encroachment on adjacent properties. City Engineering Staff have reviewed the submission and are satisfied with the application as it does not negatively impact drainage on the subject parcel or abutting property and permeable landscaping surrounds the stairway.

Variance 3 is requested to permit an existing attached carport with an interior side yard setback of 0.46m (1.51 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) to an attached carport. The intent of the by-law in regulating the setback from the property line to the carport is to ensure that sufficient space is provided for drainage and access to the rear yard. As per the site visit, it was determined that adequate room for parking/ maneuvering of vehicles is provided, along with a sufficient path of travel to the rear yard, within the carport area.

Variance 4 seeks to permit a lot coverage of 34.98% whereas the by-law permits a maximum coverage of 33.3%. The intent of the by-law in regulating the maximum permitted lot coverage for a residential dwelling is to ensure that there is adequate outdoor amenity space on the property, which can be maintained throughout the rear yard. The current configuration of the carport cannot accommodate additional vehicles and is used also as a storage space for household items. The variance is required for the existing carport and does not reduce property setbacks further than what is requested.

Subject to the conditions of approval, Variances 1,2,3 and 4 are 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 constructed exterior stairway to a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit an interior side yard setback that is less than what is required by the Zoning By-law. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and rear yard is still provided as the reduced side yard setback will be 1.72 metres. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit. Given the context of the site, Staff are of the opinion that the entrance will be appropriately located.

Variance 3 is requested to permit an existing carport that will reduce the side yard setback of the property. As a result an additional variance (Variance 4) is requested to increase the permitted maximum lot coverage to 34.98%. Staff are of the opinion that adequate room is available for a clear path of travel and areas for parking/ maneuvering of vehicles is maintained on the subject property. Staff are of the opinion that the inclusion of the carport does not limit recreational space on the property. Given the size of the property, the increase in lot coverage is minor and not considered to contribute to a sense of overdevelopment or loss of character. There is still plenty of recreational space to the rear of the home. As such, Staff are of the opinion that the existing carport functions without any negative visual impacts on the streetscape or abutting properties and the parking of additional vehicles is avoided.

Subject to the recommended conditions of approval, Variances 1, 2,3 and 4 are appropriate for the development of the land.

4. Minor in Nature

The location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard. The location of the proposed below grade entrance to access the house is appropriate given the site context. The carport is screened in a manner that reduces the impact on the streetscape and abutting properties. The existing carport on the property does not adversely decrease the amount of amenity space within various parts of the lot. Staff have determined that sufficient space is provided to allow for access to the front and rear yard which will limit any trespassing on abutting properties. No negative impacts to drainage are anticipated. Subject to the recommended conditions of approval, Variances 1, 2, 3 and 4 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

