



Report Committee of Adjustment

Filing Date: June 6, 2023
Hearing Date: July 11, 2023

File: A-2023-0186

**Owner/
Applicant:** MICHAEL THALACHIRAYIL MATHEW & NIMMY GEORGE NEDUMKALLEL

Address: 23 Schubert Crescent

Ward: WARD 3

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0186 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 drainage on adjacent properties should not be adversely affected;
 3. That the below grade entrance shall not be used to access an unregistered second unit; 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:

Existing Zoning:

The property is zoned 'Residential Single Detached D- Special Section 2570 (R1D-2570)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an above grade door in the side wall where a minimum side yard width 0.95m (3.12 ft) is provided extending from the front wall of the dwelling up to and including the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door; and
2. To permit a 0.95m (3.12 ft) path of travel leading to the primary entrance to a second unit whereas the bylaw requires an unencumbered side yard with of 1.2m (3.94 ft) to be provided as a path of travel from the front yard to the entrance to the second unit.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium/High Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). 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 above grade door in the side wall where a minimum side yard width 0.95 metre (3.12 ft) is provided extending from the front wall of the dwelling up to and including the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2 metre (3.94 ft.) extending from the front wall of the dwelling up to and including the door. Variance 2 seeks to permit a 0.95 metre (3.12 ft) path of travel to a side door as principal entrance for a second unit whereas the by-law requires a minimum, unobstructed path of travel of 1.2 metres (3.94 ft) to be provided as a path of travel from the front yard to the entrance to the second unit. 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. A 1.22 metre (4.0 ft.) side yard setback is provided on the opposite side of the single detached dwelling ensuring that access to the rear yard is maintained. 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. Staff are also satisfied that the proposed path of travel is sufficient in width to accommodate for everyday and emergency purposes. Subject to the 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

Variance 1 is requested to permit an above grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit a path of travel that is less than what is required

by the Zoning By-law. Staff are of the opinion that the above grade entrance will not generate negative impacts on-site or off-site. Conditions of approval are included noting that the below grade entrance shall not be used to access an unregistered second unit and that the path of travel should remain clear in order to avoid any trespassing on abutting property. Subject to the recommended conditions of approval, Variances 1 and 2 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 as residents will not need to encroach on adjacent lots. The rear of the home can be accessed via both sides of the property. Staff have determined that adequate space is provided to allow for drainage and therefore, should not negatively impact abutting properties. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

