



Report Committee of Adjustment

Filing Date: September 5, 2023

Hearing Date: October 3, 2023

File: A-2023-0280

**Owner/
Applicant:** VIJAY PAL SINGH BHULLAR & SUKHPREET BARIAR

Address: 49 ROYCE AVE

Ward: WARD 3

Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0280 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 below grade entrance shall not be used to access an unregistered second unit
 3. That drainage on adjacent properties not be impacted; 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:

Staff note that the original application included a variance to reduce width of stairs for proposed below grade entrance. Upon further review, it was determined this request speaks to varying the Ontario Building Code which is not permitted. Applicant was advised regarding the nature of this request and a revised sketch was requested to demonstrate minimum stair width for proposed below grade resulting in a further reduction in setback from below grade stairs to side property line, reflected in the report herein.

Existing Zoning:

The property is zoned 'Residential Extended One Zone (R2B(1)) and subject to the provisions of the Mature Neighbourhood (69-2023)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.079m (0.26 ft.) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3m (.98 ft.) to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling.
2. To permit a 1.19m (3.9 ft.) wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2m (3.94 ft.) leading to a principal entrance of an additional residential unit.

Current Situation:

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

The property is designated 'Central Area' in the Official Plan and 'Medium Density' in the Downtown Brampton Secondary Plan (Area 7). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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

Variances 1 is requested to permit an exterior stairway leading to a below grade entrance in the interior side yard having a setback of 0.079m (.26 ft.), whereas the by-law requires a minimum setback of 0.3m (0.98 ft.) to a below grade entrance in an interior side yard provided there is a continuous 1.2m (3.94 ft.) side yard on the opposite side of the dwelling. The intent of the by-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space to allow for drainage and access to the rear of the property.

In the case of the subject property, the below grade entrance is proposed to be constructed on the western wall of the dwelling. The below grade entrance is no considered to have significant impact on drainage and a continuous side yard, measuring a minimum of 1.2m (3.94 ft.) is provided on the opposite side of the dwelling to maintain access to the rear yard. The opposite side of dwelling maintains an interior side yard of 5.59m (18.34 ft.) to the dwelling, measuring greater than the minimum 1.2m (3.94 ft.) required allowing for adequate space to permit safe and easy access for recreational and emergency uses to the rear yard and sufficient space to minimize negative impacts on drainage. Despite the reduction in the interior side yard setback, the addition of the below grade entrance, built in accordance with the Ontario Building Code requiring proper drainage for this form of construction, is

not anticipated to negatively impact drainage on site nor adjacent properties. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit a path of travel of 1.19m (3.9 ft.) to the primary entrance of a proposed additional residential unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel leading to a principal entrance of an additional residential unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient space to act as a primary access to an additional residential unit. The requested variance represents a 0.01m (0.03 ft.) reduction from the required minimum interior side yard setback serving as a path of travel for an additional residential unit. The remaining 1.19m (3.9 ft.) proposed path of travel and setback is considered to be sufficient area to act as a primary access to an additional residential unit for both everyday and emergency purposes. The requested variance maintains the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the construction of a below grade entrance to be located within a required interior side yard which is intended to be used as an entrance to a second unit within the dwelling. The applicant is advised that drainage on adjacent properties shall not be adversely affected from the proposed development. A condition of approval is recommended that the below grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code.

Subject to the recommended conditions, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are intended to facilitate a below grade entrance to an additional residential unit within the interior side yard of a residential property. The location of the entrance does present any concerns with regards to drainage for the subject property or adjacent properties and sufficient space to the rear yard is maintained on the opposite side of dwelling and therefore, subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development