



Report Committee of Adjustment

Filing Date: October 17, 2023
Hearing Date: November 14, 2023
File: A-2023-0317
**Owner/
Applicant:** JASPREET DHALIWAL & SATWINDER RAI
Address: 141 SPRINGVIEW DRIVE
Ward: WARD 5
Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0317 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 proposed below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties shall not be adversely 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:

Existing Zoning:

The property is zoned 'Residential Single Detached - Special Section 585 (R1C-585) and further subject to provisions of the Mature Neighbourhood by-law (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 1.16m (5.25 ft) and 1.17m (5.57 ft) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft) to the first storey, or part thereof, plus 0.6m (1.97 ft) for each additional storey, or part thereof.
2. To permit a lot coverage of 31.62%, whereas the by-law permits a maximum lot coverage of 30%.
3. To permit a proposed exterior stairway leading to a below grade entrance located between the main wall of a dwelling and the front lot line, whereas the by-law does not permit a stairway constructed below the established grade to be located between the main wall of a dwelling and the front line.
4. To permit a reduced side yard setback of 0.52m (1.71 ft) to an existing accessory structure, whereas the by-law requires a minimum setback of 0.6m (1.97 ft) to an accessory structure.

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 Residential' in the Brampton Flowerstown Secondary Plan (Area 6). The requested variances are related to a proposed addition to be constructed on the existing residential dwelling and improved access. The requested variances are not considered to have a significant impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approvals, the requested variances are considered to maintain the general intent of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned "Residential Single Detached – Special Section 585 (R1C-585) and further subject to the provisions of the Mature Neighbourhood by-law (69-2023)" according to By-law 270-2004, as amended.

Variance 1 is requested to permit a reduced interior side yard setback of 1.16m (5.25 ft) and 1.17m (5.57 ft) to proposed second storey addition whereas the by-law requires a minimum setback of 1.8m (5.91 ft) to a second storey. The intent of the by-law in requiring a minimum interior side yard setback to a second storey of a dwelling is to ensure sufficient building separation is maintained and massing does not negatively impact adjacent properties. The proposed reduction in setback is consistent with existing ground floor setbacks and is found to be sufficient separation between the dwellings and the massing of the addition is not anticipated to negatively impact 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 an increase in the maximum permitted lot coverage of 31.62% whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in limiting lot coverage is to ensure that the size of the dwelling is of appropriate scale within the context of the site and overall neighbourhood. The proposed increase of 1.62% from the permitted maximum lot coverage is primarily due to the second storey addition and considered to be nominal in nature and is not anticipated to impact the scale of the dwelling in a significant matter. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested to permit exterior stairway leading to a below grade entrance located between the main wall of a dwelling and the front lot line, whereas the by-law does not permit a stairway constructed below the established grade to be located between the main wall of a dwelling and the front line. The intent of the by-law in limiting exterior stairways being located in the front yard is to ensure that the visual appeal of the dwelling within the context of neighbourhood is not adversely affected and protect the visual appeal of the streetscape. In case of the subject property, the proposed below grade entrance is located beyond the face of the garage and front entrance and further screened from public view as a result of existing mature trees on the site. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the by-law.

Variance 4 relates a reduced setback to an existing accessory structure in the rear yard of the dwelling. The intent of the by-law in regulating the minimum setback from nearest properties lines is to ensure that sufficient area is provided for drainage. Engineering staff have reviewed the property and do not have any concerns regarding the location of existing accessory structure and no negative impacts are anticipated in respect to drainage on site. Subject to the recommended conditions of approvals, Variance 4 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 relates to a proposed second storey addition being built vertically on top of the existing one storey dwelling. The intent of the homeowner is to build a second storey with setbacks consistent with the existing one-storey dwelling. Given the setbacks are consistent with existing dwelling, no further increased encroachments are anticipated and therefore, subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2, to permit an increase in lot coverage from 30% to 31.62% represents a modest increase that is not anticipated to significantly impact the mass of the dwelling or detract from the provision of outdoor amenity space on the property. Subject to recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit an exterior stairway leading to a below grade entrance located in the front yard whereas the by-law does not permit exterior stairways constructed below the established grade to be located in such yard. Given the configuration of the existing dwelling on the site, the proposed below grade is located beyond the required front yard setback for the dwelling and existing vegetation on site provides additional screening for both the stairway and associated below grade entrance. The location of the proposed exterior stairway and below grade entrance does not negatively impact the function of the property or surrounding neighbourhood. A condition is recommended that the below grade entrance not be used to access an unregistered second unit in order to ensure any second

unit where the below grade serves as the principal entrance for a second unit be registered through appropriate channels, satisfying all requirements during such process. Subject to the recommended conditions of approval, the requested variance is desirable for the appropriate development of the land.

Variance 4 relates to reduced setback to existing accessory structure. The requested variance is to permit a setback of 0.52m (1.71 ft) whereas a minimum setback of 0.6m (1.97ft) is required. The requested variance results in a setback difference of 0.08m (.26 ft) which is not anticipated to adversely affect drainage on site. Variance 4, subject to recommended conditions of approval, is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1, 2 and 4 represent a modest and often nominal relief from the Zoning By-law requirements. The nominal reliefs are not considered to contribute to an overdevelopment of the property and the requested variances, subject to the recommended conditions of approval, are considered minor in nature.

Variance 3 is required to permit an exterior stairway leading to a below grade entrance located in the front yard whereas the by-law does not permit exterior stairways constructed below the established grade to be located between main wall of a dwelling and the front lot line. Staff do not consider the variance to negatively impact the functionality of the subject property or adjacent properties. The requested variance is considered to be minor in nature.

Respectfully Submitted,



Satwant Hothi
Planner I, Development