



Report Committee of Adjustment

Filing Date: October 17, 2023
Hearing Date: November 14, 2023

File: A-2023-0328

**Owner/
Applicant:** Qurratulain Afzal

Address: 16 Jordensen Drive

Ward: WARD 5

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2023-0328 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 below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties and the subject property shall not be adversely affected; 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 Semi-Detached A Special Section 1301 (R2A-1301)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 0.15 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan, and further designated 'Medium Density Residential' in the Credit Valley Secondary Plan (Area 45). The new Council approved Brampton Official Plan Schedule 2 designates the property 'Neighbourhoods'. The requested variances are not considered to have significant impacts within the context of the applicable planning policy framework. 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

The property is zoned 'Residential Semi-Detached A Special Section 1301 (R2A-1301)', according to By-law 270-2004, as amended

Variance 1 is requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. The intent of the By-law in regulating the location of exterior stairways leading to below grade entrances is to ensure that access the rear yard is appropriately maintained; that drainage is not adversely affected; that the appearance of the below grade entrance does not negatively impact the overall streetscape; and that an adequate and appropriate amount of landscaped area is maintained.

Based on the size, location and orientation of the exterior stairway leading to a below grade entrance, privacy, lighting, drainage, and site circulation is not anticipated to be adversely affected for the subject property and adjacent properties.

Variance 2 is requested to permit an interior side yard setback of 0.15 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres. The intent of the By-law in regulating setbacks is to manage impacts to the subject property and adjacent properties with respect to privacy, lighting, drainage and site circulation.

The proposed exterior stairway leading to a below grade entrance is not anticipated to restrict the ability to access the rear yard. Despite the setback being reduced to 0.15 metres (0.49 feet), access to the rear yard is maintained as the design of the below grade entrance will not impede travel to the

rear yard due to the continuous path that is presented. Three step risers are proposed on either side of the entrance which eliminates the need to trespass on to the adjacent property. Subject to the recommended conditions of approval, the requested variances 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 exterior stairway leading 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 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 provided with the construction of three step risers on either side of the entrance. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

The proposed 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 trespass on the neighbouring lot. Staff have determined that sufficient space is provided to allow for drainage through the use of permeable landscaping features and therefore, is not anticipated to cause drainage issues on abutting properties or on the subject lands. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Planning Technician

APPENDIX A – Site Visit Photos

