



## Report Committee of Adjustment

**Filing Date:** December 18, 2023

**Hearing Date:** January 23, 2024

**File:** A-2023-0412

**Owner/  
Applicant:** PIYASEEII PERERA

**Address:** 20 Buttermere Drive

**Ward:** WARD 4

**Contact:** Ellis Lewis, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0412 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 shall not be adversely affected;
  3. That the applicant obtain a building permit for the above 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;
  4. That the above 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 Single Detached C (R1C)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a 0.24m (0.78 ft.) setback to the steps and landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9m (2.95 ft.) to any steps (or landing) in the interior side yard;
2. To permit an Additional Residential Unit (ARU) entrance along a 1.2m (3.94 ft.) side yard with a 0.89m (2.92 ft.) above grade landing, whereas the by-law requires an above grade landing within a 1.2m (3.94 ft.) side yard be a maximum of 0.6m (1.96 ft.) above grade;
3. To permit an above grade landing in a 1.2m (3.94 ft.) side yard entrance that does not provide stairs to the rear yard, whereas the by-law requires that a landing used to access an ARU within a 1.2m (3.94 ft.) side yard provide steps to the rear yard; and
4. To permit a maximum landing and step width of 1.27m (4.17 ft.), whereas the by-law requires a maximum landing and step width of 0.9m (2.95 ft.).

**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 Flowertown Secondary Plan (Area 6). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities, while facilitating intensification throughout the Urban Growth Centre. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies.

As per the Brampton Flowertown Secondary Plan, the predominant use of land in which the subject land is generally located within is residential and collectively includes a wide range of dwelling types. Consideration is given to applications that support a variation of housing types and density policies which work within the City's guidelines, as these proposals work towards demonstrating the City's underlying housing mix.

As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. 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 seeks to permit a reduced side yard setback of 0.24m (0.78 ft.) to an existing landing and associated steps whereas the by-law requires a minimum side yard setback of 0.9m (2.95 ft.) from the property line to the home. Variance 3 seeks to permit an above grade landing in a 1.2m (3.94 ft.) side yard entrance that does not provide stairs to the rear yard, whereas the by-law requires that a landing used to access an ARU within a 1.2m (3.94 ft.) side yard provide steps to the rear yard. Variance 4 seeks to permit a maximum landing and step width of 1.27m (4.17 ft.), whereas the by-law requires a maximum landing and step width of 0.9m (2.95 ft.). The intent of the by-law in requiring a minimum side yard width to an above grade side entrance/ deck and regulating the design is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard and preventing the encroachment on neighbouring property. Despite the reduction of the side yard width between the side door entrance and the property line, a path of travel which is 1.45m ( 4.58 ft.) in width is provided along the opposite wall of the home, which leads to the rear yard. As permeable landscaping features still surround the side yard, Staff's concerns in regard to drainage are reduced. Subject to the conditions of approval, Variances 1, 3 and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 seeks to permit an Additional Residential Unit entrance along a 1.2m (3.94 ft.) side yard with a 0.89m (2.92 ft.) above grade landing, whereas the by-law requires an above grade landing within a 1.2m (3.94 ft.) side yard be a maximum of 0.6m (1.96 ft.) above grade. City Engineering Staff have reviewed the existing landing at the main entrance of the second unit in conjunction with the reduced setback and do not have concerns regarding drainage. As the increase to the height of the landing is 0.29m (0.96 ft.) taller than what is regulated, concerns regarding safety of the steps and landing are alleviated due to the design of the stairway and railing. The applicant informed City Staff that the side entrance was constructed by the builder and are seeking compliance. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

## 3. Desirable for the Appropriate Development of the Land

Variance 1 seeks to permit an existing above grade door in the interior side yard and to permit a reduction to the interior side yard setback. Variance 2 requests to permit Additional Residential Unit entrance along a 1.2m (3.94 ft.) side yard with a 0.89m (2.92 ft.) above grade landing, whereas the permitted height of the landing should not exceed 0.6m (1.96 ft.). Variance 3 seeks to permit an above grade landing that does not provide stairs to the rear yard and Variance 4 seeks to permit a landing and step width that is wider than the 0.9m (2.95 ft.) width that is permitted. Despite the decreased setback of the interior side yard, Staff are satisfied with the proposal and entrance configuration as an unobstructed path of travel is maintained on the opposite side of the property. Conditions of approval have also been included noting that the above grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, Staff are of the opinion that Variances 1,2,3 and 4 are appropriate for the development of the land.

#### 4. Minor in Nature

The design, location of the existing above grade entrance and reduced interior side yard setback are not considered to significantly impact everyday use. The application has been reviewed by Staff and they are of the opinion that neighbouring properties should not be negatively impacted by the existing stairway. No negative impacts to drainage are anticipated as the above grade entrance allows for flow of water beneath the stairway. Variances 1, 2, 3 and 4 are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Ellis Lewis, Assistant Development Planner

**Appendix A:**

