



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0070

**Owner/
Applicant:** Sandeep Singh Dhaliwal

Address: 30 Palm Tree Road

Ward: WARD 1

Contact: Aferdita Dzaferovska, Assistant Development Planner

That application A-2024-0070 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 above grade entrance shall not be used to access an unregistered second unit;
 3. That the applicant obtain a building permit for the below 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 drainage on adjacent properties should not be adversely affected;
 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 Extended Zone Section 1189 (R2B-1189)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit an existing landing used to access an additional residential unit having a height of 0.96m (3 ft 2 in) above ground level, whereas the by-law permits a landing having a maximum height of 0.6m (2 ft) above ground level.

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 variance is not considered to have significant impacts within the context of the Official Plan. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential 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 nature and extent of the proposed variance is 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 variance is requested to permit an existing landing used to access an additional residential unit having a height of 0.96m (3 ft 2 in) above ground level, whereas the by-law permits a landing having a maximum height of 0.6m (2 ft) above ground level. The intent of the by-law in requiring a maximum height to a landing used to access an additional residential unit is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard without posing negative impacts to adjacent properties.

In the case of the semi-detached dwelling situated on a lot with rear yard access provided on one side of the dwelling, an existing above grade entrance along the west wall of the dwelling does not impede access to the rear yard. The design of the above grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. The above grade entrance includes three steps at both the front and rear of the landing to provide pedestrian access from the front yard to the rear yard eliminating the need to encroach upon neighboring properties.

Subject to the conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is to permit an existing separate entrance for the purpose of creating an additional residential unit. The variance to increase the resulting height of the landing is not anticipated to negatively affect the subject property or adjacent properties.

Conditions of approval are recommended that the above grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Given that the above grade entrance is existing, an additional condition is recommended that the applicant obtain a building permit for the below 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.

Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested is not anticipated to have significant impact on drainage or limiting access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

APPENDIX A – Site Visit Photos

