



## Report Committee of Adjustment

**Filing Date:** June 20, 2024  
**Hearing Date:** August 20, 2024

**File:** A-2024-0242

**Owner/  
Applicant:** **Kuljeet Singh Kamal, Maninder Kaur Kamal  
Amrit Singh Sangha**

**Address:** **1 Boundbrook Drive**

**Ward:** WARD 2

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0242 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 owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
  3. That drainage on adjacent properties shall not be adversely affected;
  4. That the below 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 R1C -Special Section 1236 (R1C-9.0-1236)', 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 a stairway constructed below established grade to be located in the exterior side yard; and
2. To permit a proposed exterior side yard setback of 2.21 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres.

**Current Situation:**

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The property is designated 'Residential' in the Official Plan and 'Low / Medium Density Residential' in the Northwest Sandalwood Parkway Secondary Plan (Area 2(a)). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. As stated in Official Plan Section 3.2.8.2(ii), a second unit must comply with the Ontario Building Code and/or Fire Code, 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 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 a stairway constructed below established grade to be located in the exterior side yard. The intent of the by-law in prohibiting below grade entrances in a required side yard is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection.

Variance 2 seeks to permit a proposed exterior side yard setback of 2.21 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum

exterior side yard setback of 3.0 metres. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The below grade entrance is proposed to be constructed along the southern wall of the dwelling fronting Boundbrook Drive. The subject property is a corner lot located at the northwest intersection of Perkins Drive and Boundbrook Drive. Should the committee approve this application staff are recommending that a condition be included to require the owner to implement planting to adequately screen the below grade entrance from the streetscape. City Engineering Staff have also reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, the variances are considered to maintain the general intent and purpose of the Zoning By-law.

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

The variances are requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard and to permit an exterior side yard setback of 2.21 metres to a stairway leading to a below grade entrance. The addition of the below grade entrance should not interfere with the streetscape of the community as staff are recommending the inclusion of a condition that the owner shall implement screening by the addition of vegetation. It is recommended that a condition of approval be that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance and reduced setback appropriate given the sitting of the property. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

### 4. Minor in Nature

Variances 1 and 2 are requested to permit an exterior stairway to a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. Given that the below grade entrance will be screened by vegetation that will be adjacent to the side lot line, Staff are satisfied that the existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

**Appendix 1: Site Visit Photos**

