



Report Committee of Adjustment

Filing Date: July 19th, 2024
Hearing Date: August 20th, 2024

File: A-2024-0267

**Owner/
Applicant:** Samira Mann & Kalsoon Mann
Feras Eweidah

Address: 13 Merlin Drive

Ward: WARD 10

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0267 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 obtains a building permit for the existing above grade entrance in the side yard 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; 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 A – Special Section 1711 (R1A -2453)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing above grade entrance in a side yard having a minimum width of 1.05 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door.

Current Situation:

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

The property is designated 'Residential' in the 2006 Official Plan and 'Low Density Residential' in the Vales of Castlemore Secondary Plan (Area 42). 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.

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 and Property Standards By-law and other applicable approval requirements. It is noted that the entrance will not be suitable for the primary access to a secondary suite if it would fail to meet minimum Ontario Building Code requirements. The requested variances is not considered to have significant impacts within the context of the Official Plan. 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 applicant is requesting to permit an existing above grade entrance in a side yard having a minimum width of 1.05 metres extending from the front wall of the dwelling up to the door whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained.

The existing exterior stairway leading to an above grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of space for access is maintained on the opposite side of the property. Subject to the recommended 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 variance is requested to permit an existing above grade entrance within side yard having a minimum width of 1.05 metres extending from the front wall of the dwelling up to the door. The additional residential use will work towards the development of various housing types that can accommodate a

broader range of living situations. Conditions of approval are recommended noting that the above grade entrance shall not be used to access an unregistered second unit and that the applicant obtains a building permit for the existing above grade entrance in the side yard 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 deemed appropriate for the development of the land.

4. Minor in Nature

The location of the existing above grade entrance is not considered to impact access to the rear yard and is appropriate given the site context. The variance is not anticipated to have significant impact on drainage or limiting access to the property due to the site context and stairway configuration. Subject to the recommended conditions of approval the variance is deemed minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A:

