



Report Committee of Adjustment

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

File: A-2024-0277

**Owner/
Applicant:** Ravinder Kumar & Sonika Sonika
Pavneet Kaur (Noble Prime Solutions LTD)

Address: 55 Yarmouth Street

Ward: WARD 6

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0277 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 the applicant shall extend the existing fence to screen the below grade entrance in a manner that no parts of the entrance will be visible from the public realm in accordance with the sketch attached to the Notice of Decision.
 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:

The Minor Variance application is seeking approval to permit a below grade entrance with stairs located within the required side. The Zoning By-law does not permit below grade exterior stairs to be located in a required side yard or front yard and setback requirements apply. Variances are therefore being requested to permit a reduced side yard setback to the proposed stairway leading to a below grade entrance and to permit the proposed stairway in a required side yard.

Existing Zoning:

The property is zoned 'Residential Townhouse – Special Section 2453 (R3E-5.5 -2453)', 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 exterior side yard.
2. To permit an existing exterior side yard setback of 2.14 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres.

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/Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). 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 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 an existing exterior stairway leading to a below grade entrance in a required exterior side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard. The intent of the by-law in regulating the location of exterior stairways leading to below grade entrances is to ensure that appropriate site circulation is 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.

Variance 2 is requested to permit an existing exterior side yard setback of 2.14 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres. The intent of the by-law requiring a minimum setback is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line. The proposed exterior stairway leading to a below 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 either side of the property.

The townhouse dwelling is located on a corner lot on Yarmouth Street. The proposed below grade entrance will be accessed by a staircase located along the northern wall of the dwelling. The below grade entrance and associated stairway will result in an exterior side yard setback that does not comply with the by-law. The below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation between the staircase and property line will be maintained.

The below grade entrance is proposed to be located behind the fence that will enclose the amenity area of the property. A condition of approval is recommended that the applicant shall extend the existing fence to screen the below grade entrance in a manner that no parts of the entrance will be visible from the public realm.

Subject to the recommended condition 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 applicant is requesting variances to facilitate the construction of a proposed below grade entrance in a required exterior side yard. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the east wall of the dwelling. 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 appropriate given the site context. The below grade entrance will be screened by existing fencing as shown on the site plan.

Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties should not be adversely affected. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and proposed fencing. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A:

