



Report Committee of Adjustment

Filing Date: July 18, 2024
Hearing Date: August 20, 2024

File: A-2023-0278

**Owner/
Applicant:** HEMANT THAKUR & KALPANA THAKAR

Address: 38 Palm Tree Road

Ward: WARD 1

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2023-0278 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 Extended Zone- Special Section 1189 (R2B-1189)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a landing used to access an additional residential unit having a height of 0.96 metres (3.14 feet) above ground level, whereas the by-law permits a landing having a maximum height of 0.6 metres (1.97 metres) above ground level; and
2. To permit 0.31 metres (1.017 feet) setback to the steps and landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres (2.95 feet) to any steps (or landing) in the interior side yard.

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 'Medium 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. 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 landing used to access an additional residential unit having a height of 0.96 metres (3.14 feet) above ground level, whereas the by-law permits a landing having a maximum height of 0.6 metres above ground level. Variance 2 seeks to permit 0.31 metres (1.017 feet) setback to the steps and landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres (2.95 feet) to any steps (or landing) in the interior side yard. 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.

In the case of a semi-detached dwelling where rear yard access is provided on one side of the dwelling, a proposed below grade entrance with staircase along the western wall of the dwelling will result in a setback that does not comply with the by-law. Despite this setback reduction, rear yard access remains feasible. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway as the proposal includes three step risers flanking the entrance, eliminating the need to encroach upon neighboring properties. As the increase to the height of the landing is 0.36 meters (1.18 feet) taller than what is regulated, concerns regarding safety of the steps and landing are alleviated due to the design of the stairway and railing. 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. Subject to the conditions of approval, Variances 1 and 2 are 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 a landing used to access an additional residential unit having a height of 0.96 metres (3.14 feet) above ground level, whereas the by-law permits a landing having a maximum height of 0.6 metres above ground level. Variance 2 seeks to permit 0.31 metres (1.017 feet) setback to the steps and landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres (2.95 feet) to any steps (or landing) in the interior side yard.

Despite the decreased setback of the interior side yard, Staff are satisfied with the proposal and entrance configuration as an unobstructed path of travel will be maintained, due to the design of the stairway. Conditions of approval have also been included noting 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 and 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 and 2 are appropriate for the development of the land.

4. Minor in Nature

The requested variances will assist in facilitating the reconstruction of an above grade entrance which will lead to an additional residential unit. The design and location of the proposed 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 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

