



Report Committee of Adjustment

Filing Date: August 17th, 2024
Hearing Date: September 17th, 2024

File: A-2024-0290

**Owner/
Applicant:** Makarand Jahagirdar & Ashwini Jahagirdar
Pavneet Kaur (Noble Solutions Ltd)

Address: 77 Commodore Drive

Ward: WARD 5

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0290 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 drainage on adjacent properties should not be adversely affected;
 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 Extended Zone— Special Section 1295 (R2B- 1295)', 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 interior side yard;
2. To permit an interior side yard setback of 0.05 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres; and
3. To permit a driveway width of 5.28 metres, whereas the by-law permits a maximum driveway width of 4.9 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 'Medium Density Residential' in the Credit Valley Secondary Plan (Area 45). 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. Variances 1 and 2 are 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.

The Official Plan establishes policies that facilitate the growth and maintenance of complete residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. As per Section 4.2.1.14 of the City of Brampton Official Plan, driveways are listed as key design areas. The layout of the driveway should be in such a manner that it complements and is consistent with the overall streetscape aesthetic. Variance 3 is not considered to have significant impacts within the context of the Official Plan policies and 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

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 2.9 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 proposed below grade entrance will be accessed by a staircase located along the western 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 due to its proposed configuration.

Variance 3 requests to permit a driveway width of 5.28 metres whereas the by-law permits a maximum driveway width of 4.9 metres. The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and to prevent the parking of an excessive number of vehicles in front of the dwelling. With an addition of 0.38 metres, Staff are of the opinion that the driveway width is not considered to facilitate an excessive number of vehicles being parked in front of the dwelling or significantly impact drainage on the site. Furthermore, there is an appropriate balance of landscaping remaining on the property. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances 1 and 2 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.

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.

The requested third variance is to permit an existing driveway width which exceeds the requirement that is set out in the Zoning By-law. While the total width of the driveway exceeds the maximum requirements of the Zoning By-Law, the materials and design maintain a certain aesthetic quality which does not detract from the streetscape and limits the number of vehicles to be parked on the driveway. The property continues to maintain a substantial appropriate amount of landscaped area at the front of the property. The expanded driveway will not have a negative impact on the streetscape as permeable landscaping features will remain. Subject to the recommended conditions of approval, Variance 3 is appropriate for the development of the land.

4. Minor in Nature

Variances 1 and 2 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 configuration. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Variance 3 is requested to permit an increased driveway width in the front yard of the dwelling. This variance is not considered to be one that will significantly impact the amount of available outdoor amenity space, permeable landscaping or significantly affect drainage on the subject property or adjacent properties. The submitted Site Plan illustrates the reinstated grass along the eastern section of the lot. Due to the size of the concrete addition (0.38 metres), the requested variance is considered to be minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A: Site Photos

