



Report Committee of Adjustment

Filing Date: August 17th, 2024
Hearing Date: September 17th, 2024
File: A-2024-0316
**Owner/
Applicant:** Aaron Pandher
Dilpreet Singh & Rafael Martins
Address: 215 Kingknoll Drive
Ward: WARD 4
Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0316 is supportable in part, 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 should not be adversely affected;
 3. That Variance 1 to permit an interior side yard setback of 0.03 metres to a proposed exterior stairway leading to a below grade entrance be refused;
 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 D – Special Section (R1D)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.03 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres is provided on the opposite side of the dwelling.
2. To permit an accessory structure existing shed having a setback of 0.41m to the rear lot line, whereas the by-law requires a minimum 0.6m to the nearest lot line.
3. To permit an accessory structure existing shed having a setback of 0.51m to the side lot line, whereas the by-law requires a minimum 0.6m to the nearest lot line.

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 Fletcher's Creek South Secondary Plan (Area 24). 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.

Variance 1 is requested to permit an existing exterior stairway leading to a below grade entrance in a required interior side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan. In regards to Variances 2 and 3, the requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and 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 interior side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior 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. City engineering staff have reviewed the proposal and do not support this variance as the below grade entrance will be located within the 1.2 metre side yard setback which is required for drainage purposes in accordance with the City of Brampton rear to front subdivision drainage design requirements. Staff have communicated the matter with the applicant.

Variance 2 is requested to permit an accessory structure (existing shed) located in the rear yard having a setback of 0.41 metres to the rear lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line. Variance 3 is requested to permit an accessory structure (existing shed) located in the rear yard having a setback of 0.51 metres to the side lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line. The intent of the by-law in requiring a minimum setback to an accessory structure is to ensure that sufficient space is provided for drainage and access for maintenance. In this case, the shed generally requires minimal maintenance and drainage in the rear yard would not appear to be impacted by the accessory structure. Subject to the conditions of approval, Variances 2 and 3 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 is requested to permit an interior side yard setback of 0.03 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres is provided on the opposite side of the dwelling. 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, the proposed stairway is not supportable due to this property being subject to the City of Brampton rear to front subdivision drainage design requirements. The reduced setback is unsupportable as the 1.2 metres is required to ensure rear to front drainage on the property. Variance 1 is not desirable for the appropriate development of the land.

Variances 2 and 3 are requested to permit a shed that will be located 0.41 metres from the rear yard lot line and 0.51 metres from the side yard lot line where 0.6 metres is required to the side lot line, as per the Zoning By-law. The addition of the shed is seen as appropriate for the development of the land as it allows for additional storage on the property. An adequate amount of recreational space remains in the rear yard of the property and drainage will not be impacted. Subject to the recommended conditions of approval, variances 2 and 3 are appropriate for the development of the land.

4. Minor in Nature

Variance 1 seek setback of 0.03 metres to a proposed exterior stairway leading to a below grade entrance. City Staff cannot support the proposed below grade entrance as 1.2 metre side yard setback is required for drainage purposes in accordance with the City of Brampton rear to front subdivision drainage design requirements. Variance 1 is not considered minor in nature.

Variances 2 and 3 seek reduced setbacks from accessory structures to the lot lines in the rear of the property. As minimal maintenance is required for the fence and shed, Staff are of the opinion that the requested setbacks from the property line to the shed should suffice in order to maintain adequate drainage. Subject to the recommended approval conditions, Variances 2 and 3 appropriate for the development of the land.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A: Site Photos

