



## Report Committee of Adjustment

**Filing Date:** August 16, 2024  
**Hearing Date:** September 17, 2024

**File:** A-2024-0318

**Owner/  
Applicant:** Hardayal Singh  
SHAFE Inc

**Address:** 16 Baybrook Road

**Ward:** Ward 2

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0318 be refused.

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### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Special Section 603 (R1C-603)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.1 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 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.

### **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 'Low Density Residential' in the Snelgrove-Heart Lake Secondary Plan (Area 1). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. 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, 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

The property is zoned 'Residential Special Section 603 (R1C-603)', according to By-law 270-2004, as amended.

The Variance is requesting to permit an interior side yard setback of 0.1 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 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 prohibiting below grade entrances in the required side yard 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 is not impacted.

When completing a review to determine whether the location of a below grade entrance and resulting interior side yard setback are appropriate, staff look to ensure that it's location will not contribute to disturbance onto adjacent properties by way of drainage or access. Staff have reviewed the application and have concerns relating to drainage. As per the City of Brampton Subdivision Manual, the location of the proposed below grade entrance is not considered to provide sufficient space for drainage on the property. Engineering Staff provided that they do not support the proposed below grade entrance due to the 1.2m side yard setback being required for drainage purposes in accordance with the City of Brampton rear to front drainage design requirements. Staff have communicated the matter with the applicant.

The requested variance is anticipated to impact drainage on site and off site and is not considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The proposed exterior stairway leading to a below grade entrance in a required side yard is anticipated to significantly affect the subject property and adjacent property by way of drainage. The location of the proposed below grade entrance is not considered to provide sufficient space for drainage on the property which follows a rear to front drainage design. The requested variance is not considered desirable for the appropriate development of the land.

### 4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are anticipated to have a negative disturbance by way of drainage. Staff have determined that sufficient space has not been provided to allow for drainage and therefore, it is anticipated to cause issues on the abutting property and on the subject lands. As such, the Variance is not considered minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

### Site Visit Photos

