



Report Committee of Adjustment

Filing Date: August 27, 2024
Hearing Date: October 15, 2024

File: A-2024-0329

**Owner/
Applicant:** **Balram Banerjee
Kruti Shah**

Address: **7 Fallen Oak Court**

Ward: Ward 4

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0329 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. The owner shall obtain a building permit within 60 days of the decision of approval, or within an extended period of time at the discretion of the Chief Building Official 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 Single Detached (R1D)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing 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 a 0.23 metre interior side yard setback to an existing exterior stairway leading to below grade entrance with a 1.38 metre distance between detached buildings, whereas the by-law requires a minimum side yard setback of 0.9 metres with the minimum distance between detached buildings of 2.1 metres;
3. To permit a 1.03 metres wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres leading to the principal entrance of an additional residential unit.

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 and Medium Density Residential' in the Fletcher's Creek Secondary Plan (Area 24). The requested variances are not considered to have significant impacts within the context of the Official Plan policies and Secondary Plan and maintains 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 a existing 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. Variance 2 is requested to permit a 0.23 metre interior side yard setback to an existing exterior stairway

leading to below grade entrance with a 1.38 metre distance between detached buildings, whereas the by-law requires a minimum side yard setback of 0.9 metres with the minimum distance between detached buildings of 2.1 metres. Variance 3 is requested to permit a 1.03 metres wide pedestrian path of travel leading to the principal entrance of a additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres leading to the principal entrance of an additional residential unit.

The intent of the by-law in prohibiting an exterior stairway to a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still allowing access to the rear yard. Additionally, the intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient area to act as the primary path of access to a second unit for both everyday and emergency objectives.

The proposed 1.03 metre pedestrian path of travel leading to the primary entrance to a second unit is sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. 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 Further, 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 its location will not contribute to disturbance onto adjacent properties by way of drainage or access. Despite the setback being reduced to 0.23 metres, access to the rear yard is maintained on the other side of the dwelling. Subject to the conditions of approval, Variances 1, 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 a existing exterior stairway leading to a below grade entrance in a required side yard. Variance 2 is requested to permit a 0.23 metre interior side yard setback to an existing exterior stairway leading to below grade entrance with a 1.38 metre distance between detached buildings Variance 3 is requested to permit a 1.03 metres wide pedestrian path of travel leading to the principal entrance of a additional residential unit. Despite the below grade entrance resulting in a reduced interior setback and reduced pedestrian path of travel staff are satisfied that with the current proposal as sufficient space is provided on the opposite side of the dwelling. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, Variances 1, 2 and 3 are appropriate for the development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback and reduced pedestrian path of travel are not considered to impact access to the rear yard. The location of the proposed below grade entrance to access the house is appropriate given the site context. The requested variances are not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, variances 1, 2 and 3 are deemed minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

