



Report Committee of Adjustment

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

File: A-2024-0330

**Owner/
Applicant:** Ekaterina Delwar
Kruti Shah

Address: 22 Allegro Drive

Ward: Ward 4

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0330 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 the owner pay the review fee of \$478 as noted in the Credit Valley Conservation Authority letter dated September 18, 2024;
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Staff note that the existing below grade entrance has been constructed without a building permit. Should the committee approve the application for minor variance, a condition is recommended by staff that the owner shall obtain a building permit within 60 days of the decision of approval. Staff further note that the recommendation to approve the variances is solely in relation to the submitted sketch and does not account for existing site conditions.

Existing Zoning:

The property is zoned 'Residential Special Section (R1F-11.6 - 2327)', 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; and
2. To permit a 0.67 metres side yard setback to an existing exterior stairway leading to below grade entrance in the required interior side yard, resulting in a combined side yard width of 1.33 metres, whereas the by-law requires a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other side provided that the combined total for both side yards on an interior lot is 1.8 metres.

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 2 Residential' in the Credit Valley Secondary Plan (Area 45). 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 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. Variance 2 is requested to permit a 0.67 metres side yard setback to an existing exterior stairway leading to below grade entrance in the required interior side yard, resulting in a combined side yard width of 1.33 metres, whereas the by-law requires a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other side provided that the combined total for both side yards on an interior lot is 1.8 metres. The intent of the by-law in 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.

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 0.67m, access to the rear yard is maintained on the opposite side of the property. 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

The variances are requested to permit an existing exterior stairway leading to a below grade entrance in a required side yard and to permit a 0.67 metres side yard setback to an existing exterior stairway leading to below grade entrance in the required interior side yard, resulting in a combined side yard width of 1.33 metres.

Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current proposal has an unobstructed path of travel to and from the front and rear yard provided on the opposing 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 and 2 are appropriate for the development of the land.

4. Minor in Nature

The requested variances are not considered to have negative impacts on the neighbouring property or in access to the rear yard. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

