



Report Committee of Adjustment

Filing Date: September 13, 2024

Hearing Date: October 15, 2024

File: A-2024-0368

**Owner/
Applicant:** JAGDEEP KULLAR

Address: 17 Duxbury Road

Ward: WARD 9

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0368 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 shall not be adversely affected; and
 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 F- Special Section 2368 (R1F-9.0- 2368)', 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; and
2. To permit an interior side yard setback of 0.00 metres to a proposed exterior stairway leading to a below grade entrance in the required interior side yard, resulting in a combined side yard width of 0.67 metres (2.16 feet), whereas the by-law requires a minimum interior side yard setback of 0.6 metres (1.97 feet) provided the combined total of the interior side yards on an interior lot is less than 1.8 metres (5.90 feet).

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 Countryside Villages Secondary Plan (Area 48B). The requested variance is not considered to have significant impacts within the context of the Official Plan. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. The nature and extent of the proposed variance 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 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. Variance 2 is requested to permit an interior side yard setback of 0.00 metres to a proposed exterior stairway leading to a below grade entrance in the required interior side yard, resulting in a combined side yard width of 0.67 metres (2.16 feet), whereas the by-law requires a minimum interior side yard setback of 0.6 metres (1.97 feet) provided the combined total of the interior side yards on an interior lot is less than 1.8 metres (5.90 feet).

The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard. Despite the setback reduction to one side of the property, rear yard access remains feasible as there is a path that is 0.67 metres (2.16 feet) wide on the opposite side of the home. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. Additionally, the proposal includes three step risers flanking the entrance, eliminating the need to encroach upon neighboring properties. Subject to the conditions

of approval, the requested variances 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 that are being requested will assist in facilitating the construction of a proposed separate entrance within the required interior side yard for the purpose of creating an additional residential unit. The variance to reduce the setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties. Conditions of approval are recommended 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 condition of approval, the proposed variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances will assist with facilitating the construction of an exterior stairway leading to a below grade entrance by permitting a reduced setback. The variances are not anticipated to have significant impact on drainage or limit access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the requested variances are deemed minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

