



Report Committee of Adjustment

Filing Date: October 10th, 2024
Hearing Date: November 12th, 2024

File: A-2024-0369
**Owner/
Applicant:** **NINAD NARENDRAKUMAR PANDYA & AVNI THAKOR**

Address: **6 WILLERTON CLOSE**

Ward: WARD 1

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0369 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; 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 Semi-Detached (R2A)', 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 0.29 metres to a proposed exterior stairway leading to a below grade entrance whereas the by-law requires a minimum setback of 0.3m 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 1.2m (3.94 ft.) 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 Residential' Brampton Flowertown Secondary Plan (Area 6). The requested variances are 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 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

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 0.29 metres to a proposed exterior stairway leading to a below grade entrance whereas the by-law requires a minimum setback of 0.3m 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 1.2m (3.94 ft.) is provided on the opposite side of the dwelling.

The intent of the Zoning By-law in prohibiting below grade entrances in the interior side yard and requiring minimum setbacks 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.

In the case of the single-detached dwelling situated on a lot with rear yard access provided on either side of the dwelling, a proposed below grade entrance with staircase along the southwestern wall of the dwelling will result in a setback that does not comply with the by-law. However, despite this setback reduction, rear yard access remains unimpacted. The 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 proposed variances are requested to permit a proposed exterior stairway leading to a below grade entrance and to permit an interior side yard setback of 0.29 metres. The addition of the below grade entrance and reduced side yard setback should not interfere with access to the rear yard nor negatively impact drainage on adjacent properties. A condition of approval has been included that adjacent properties are not adversely affected and that the below grade entrance shall not be used to access an unregistered second unit.

Subject to the conditions of approval the variances are considered appropriate for the development of the land.

4. Minor in Nature

Given the recommendations of approval, staff are satisfied that the existing drainage and access to the rear yard will not be negatively impacted by the proposed below grade entrance nor would the variances facilitate the use of the stairway/entrance for access to an unregistered unit. The variances, subject to the conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A

