



Report Committee of Adjustment

Filing Date: September 18, 2024

Hearing Date: November 12, 2024

File: A-2024-0372

**Owner/
Applicant:** Neelima Malhotra, Ratnesh Malhotra
Anju Bhutani

Address: 106 Clockwork Drive

Ward: WARD 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0372 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 owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services until the proposed acoustic fencing has been implemented;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the below grade entrance shall not be used to access an unregistered second unit; 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:

The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. The developer's engineer responsible for the subdivision has provided comments which stipulates that due to the location of the proposed below grade entrance it will interfere with the proposed acoustic fencing. As such, the developer has come to an agreement with the owner which is satisfactory to all parties 'see appendix B'. Until the subdivision is assumed, the developer is responsible for ensuring that ongoing requirements of the subdivision under maintenance be respected, including requirements relating to drainage and grading. The proposed (*below grade entrance*) may impact the lot grading requirements or drainage of the subject property for which the developer is currently responsible.

Existing Zoning:

The property is zoned 'Residential -Special Section 2556 (R1F-9.0-2556)', 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 a minimum setback of 2.41 metres to a below grade entrance in a required exterior side yard, whereas the by-law requires a minimum exterior side yard setback of 3.0 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/Medium Density Residential' in the Mount Pleasant (Area 51). The requested variances are 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

Variance 1 seeks 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. The intent of the by-law in prohibiting below grade entrances in a required side yard is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection.

Variance 2 seeks to permit a minimum setback of 2.41 metres to a below grade entrance in a required exterior side yard, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The below grade entrance is proposed to be constructed along the western wall of the dwelling fronting Brisdale Drive. The subject property is a corner lot located at the northwest intersection of Clockwork Drive and Brisdale Drive. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will be screened, limiting visual impact. City Engineering Staff have also reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting 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

Variances 1 and 2 are requested to permit an exterior stairway leading to a below grade entrance and encroach into the exterior side yard setback. The addition of the below grade entrance should not interfere with the streetscape of the community as the site plan depicts the stairway and entrance being screened by the extension of the acoustic fence as agreed to by the owner and builder in appendix B. It is recommended that a condition of approval be that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the sitting of the property. Subject to the recommended condition of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit an exterior stairway to a below grade entrance to encroach into the exterior side yard setback. Given that the below grade entrance will be screened by fencing that will be adjacent to the side lot line, Staff are satisfied that the

existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos



Appendix B: Builder Comments

----- Forwarded message -----

From: **RosehavenCustomerCare** <RosehavenCustomerCare@rosehavenhomes.com>
Date: Mon, 28 Oct 2024 at 10:53
Subject: RE: Lot 0176CLOC - query requiring clarification for proceeding for the basement
To: Ratnesh Malhotra <ratneshmalhotra.rm@gmail.com>

Good Day Ratnesh,

I have received clarification from management on this issue.

I have been advised the fence will start at the back of the home and will not extend past the staircase as per the agreement in your file. If your intent is to bring the fencing past the staircase it would have to be on your own accord after the fence is installed. I have inquired on a completion date of the fencing; however I have not been provided a timeline as of yet. If I am able to provide any additional information I will do so right away.

In regard to your inquiry on interior items for your home our service team looks forward to meeting with you shortly.

Warm Regards,

Customer Care Department

Rosehaven Homes

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