



Report Committee of Adjustment

Filing Date: October 9, 2024
Hearing Date: November 12, 2024

File: A-2024-0389

**Owner/
Applicant:** NAVDEEP BATRA & BARKHA BATRA

Address: 24 Michener Drive

Ward: WARD 9

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0389 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 the fence used to screen the below grade entrance be constructed and remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
 4. That drainage on adjacent properties shall not be adversely affected; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

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 a proposed exterior side yard setback of 4.18 metres (13.71 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 metres (14.76 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 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 a proposed exterior side yard setback of 4.18 metres (13.71 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 metres (14.76 feet).

The intent of the by-law in prohibiting below grade entrances in the exterior side yard and requiring a minimum exterior side yard setback is to ensure that the appearance of the below grade entrance does not negatively impact the aesthetic of the overall streetscape. The applicant provided a Site Plan which illustrates that the entrance will be screened from the streetscape through the use of a proposed fence. The proposed exterior stairway and below grade entrance will be constructed along the western wall of the dwelling, which is located at the northwest corner of Michener Drive and Bosworth Street. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will

be screened, limiting visual impact. 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 exterior 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. The addition of the below grade entrance should not interfere with the streetscape of the community as the applicant has submitted a Site Plan which depicts the stairway and entrance being screened by a fence that will be constructed. 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. An additional condition has been included stating that the fence used to screen the below grade entrance shall remain as constructed, and not be removed or lowered, but may be repaired or replaced when necessary; this will ensure that the entrance will be screened. Subject to the recommended conditions 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. Given that the below grade entrance will be screened behind a newly assembled fence that will be adjacent to the 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, the requested variances are deemed minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

