



Report Committee of Adjustment

Filing Date: November 7th, 2024
Hearing Date: December 10th, 2024

File: A-2024-0415
**Owner/
Applicant:** PHUC THINH NGUYEN & TRANG THI THAO NGUYEN
Address: 134 Larkspur Road
Ward: WARD 9
Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0415 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 Single-Detached – Special Section 305 (R1C-305)', 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 exterior side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard; and

2. To permit an exterior side yard setback of 1.85 metres to a proposed exterior stairway leading to a below grade entrance, 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 property is designated 'Residential' in the Official Plan and 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2). The subject property is also designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (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 requested variances are not considered to have significant impacts within the context of the Official Plan. 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 exterior side yard. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the exterior side yard is to ensure that access to the rear yard can be maintained. Access to the rear yard is not impacted as access is maintained with the proposed configuration of the exterior stairway and resulting setback.

Variance 2 to permit an interior side yard setback of 1.85 metres to a proposed interior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres. The intent of the Zoning By-law in prohibiting below grade entrances in the exterior side yard 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. The rear yard is still accessible and engineering staff are of the opinion that drainage is not impacted as result of the proposal.

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 exterior side yard setback of 1.85 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 variance 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

