



Report Committee of Adjustment

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

File: A-2024-0418
**Owner/
Applicant:** DHARSHENI RAMESH & SUDHARSANAM VARADHARAJAN
Address: 17 Silktop Trail
Ward: WARD 9
Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0418 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 fence used to screen the existing below grade entrance shall remain in accordance with the sketch and not be removed or lowered, but may be repaired or replaced when necessary;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That drainage on adjacent properties should not be adversely affected;
 5. The owner shall obtain a building permit within 60 days of the decision of approval, or within an extended period of time at the discretion of the Chief Building Official; and
 6. 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 1221 (R2B-1221)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing 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 existing side yard setback of 2.01 metres to an existing 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 existing 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 an existing 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 existing configuration of the exterior stairway.

Variance 2 to permit an exterior side yard setback of 2.01 metres to an existing exterior 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 an existing exterior stairway leading to a below grade entrance and to permit an exterior side yard setback of 2.01 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. An additional condition of approval is recommended that the fence used to screen the existing below grade entrance shall remain in accordance with the sketch and not be removed or lowered, but may be repaired or replaced when necessary.

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 existing 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

