



Report Committee of Adjustment

Filing Date: November 6, 2024
Hearing Date: December 10, 2024
File: A-2024-0419
**Owner/
Applicant:** LILANI DE SILVA
Address: 91 Desert Sand Drive
Ward: WARD 9
Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0419 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 applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
 5. That drainage on adjacent properties shall not be adversely affected; 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 Extended Zone-Special Section 523 (R2B-523)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a two-unit dwelling in a quattroplex, whereas the by-law does not permit the use;
2. To permit a below grade entrance in the rear yard, whereas the by-law requires the entire rear yard to be landscaped open space;
3. To permit a below grade entrance in a quattroplex, whereas the by-law does not permit a below grade entrance in a quattroplex; and
4. To permit a 0.92 metre (3.01 feet) wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres (3.98 feet) leading to the principal entrance of an additional residential unit.

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 'Medium Density Residential' in the Springdale Secondary Plan (Area 2).

The 'Residential' designation in the Official Plan permits residential uses as well as other complementary uses. The council approved Brampton Plan states that areas with the 'Neighbourhoods' designation shall permit an extensive range of residential uses. They will also look to improve service accessibility, social equity, walkability and promote sustainable means of transportation. Brampton Plan focuses on intensification and infill to accommodate growth in areas throughout the city, based on neighbourhood-specific needs.

The 'Medium Density Residential' designation in the Springdale Secondary Plan permits a mix of residential uses and densities in accordance with Section 4.2.1.2 of the Official Plan.

The proposed additional residential unit is not considered to detract from the planned intent and function of the subject property or the neighbourhood with respect to the Official Plan. Subject to the recommended conditions of approval, Variances 1, 2, 3 and 4 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 two-unit dwelling in a quattroplex, whereas the by-law does not permit the use. Variance 3 is requested to permit a below grade entrance in a quattroplex, whereas the by-law does not permit a below grade entrance in a quattroplex. The intent of the by-law in regulating the number of dwellings contained within certain forms of housing is to maintain the intended residential density and function of the subject property. The parent R2B Zoning By-law designation permits single detached and semi-detached dwellings. Special Section 523 for this property designates it to be used for a quattroplex dwelling. The quattroplex is part of a neighbourhood consisting mainly of single detached and semi-detached dwellings. Detailed reviews of basement apartment additions to quattroplexes are also completed by Building Staff to ensure living and safety concerns are evaluated. Subject to the recommended conditions of approval, Variances 1 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 permit a below grade entrance in the rear yard, whereas the by-law requires the entire rear yard to be landscaped open space. The intent of the by-law in requiring a landscaped rear yard is to ensure that a sufficient amount of amenity space is maintained on the property for recreational use. Due to the sitting of the house, the entrance and stairway that leads to the basement was constructed in the rear yard. With a backyard depth of 7.48 metres (24.5 feet) and a total outdoor amenity area of 84.35 square metres (908 square feet), staff do not have concerns regarding the limitation of recreational space that will be maintained on the property. The fence in the rear yard is already constructed, leading to the shielding of the below grade and alleviating concerns surrounding impacts on streetscape within the neighbourhood. City Engineering Staff have reviewed the submission and are satisfied with the application as it is not anticipated to negatively impact drainage on the subject parcel or abutting property and permeable landscaping will continue to surround the stairway and front yard. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a 0.92 metre (3.01 feet) wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres (3.98 feet) leading to the principal entrance of an additional residential unit. This proposed pedestrian path of travel to a second unit is sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. Further, when completing a review to determine whether the location of a below grade entrance and resulting interior side yard setback are appropriate, Staff look to ensure that its location will not contribute to disturbance onto adjacent properties by way of drainage or access. Subject to the recommended conditions of approval, Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

An exterior stairway leading to a below grade entrance is being proposed within the rear yard of a quattroplex. This below grade entrance is intended to function as the primary ingress and egress for the requested additional residential unit that will be within a quattroplex. Due to the sitting of the dwelling, an additional variance request was submitted to permit a path of travel to the secondary unit to be 0.92 metres (3.01 feet). The requested variance to permit an additional unit within a quattroplex is not anticipated to adversely affect the subject property, adjacent properties, or the neighbourhood. Staff note that the stairway leading to a below grade entrance will be shielded by a fence that is already constructed in the rear yard, mitigating concerns related to the variation of neighbourhood character. The proposal will further support the formation of 15-minute neighbourhoods, ensuring that neighbourhoods remain central to liveability and affordability in the City of Brampton. The proposal also works towards offering a diversity of services and housing types which meet the needs of local residents. Subject to the recommended conditions of approval, the Variances 1, 2, 3 and 4 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested additional residential unit in a quattroplex on the subject property is not anticipated to have significant negative impacts to the planned intent and function of the subject property, abutting properties, or within the neighbourhood. Variance 2 seeks to remove some of the landscaping in the rear yard so that the existing below grade entrance can remain. These variances are viewed as minor in nature because the entrance will be located behind a fence that is already built and plenty of recreational area remains in the rear yard. Lastly, a limited portion of the path of travel is reduced to 0.92 metres (3.01 feet) in width due to the existing front porch. Building Staff have reviewed the application and have no objections to the proposed path of travel as it will comply with minimum Ontario Building Code requirements. The location of the entrance and path of travel width is considered sufficient for everyday use and emergency purposes. Subject to the recommended conditions of approval, Variances 1, 2, 3 and 4 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

