



Report Committee of Adjustment

Filing Date: November 6, 2024
Hearing Date: December 10, 2024

File: A-2024-0421

**Owner/
Applicant:** Manicka Krishnakumar, Komani Krishnakumar
Raman Kumar

Address: 76 Redfinch Way

Ward: Ward 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0421 be refused.

Background:

Through the review of the application, City Engineering staff identified that there is an existing Rear Lot Catch Basin storm sewer line running along the sideyard where the proposed below grade entrance is to be located. City staff have relayed these concerns to the applicant prior to the preparation of this report.

Existing Zoning:

The property is zoned 'Residential Special Section 1011 (R3B -SS 1011)', 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 an interior side yard setback of 0.36 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.20 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 Fletcher's Meadow Secondary Plan (Area 44). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. 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

The property is zoned 'Residential Special Section 1011 (R3B -SS 1011)', according to By-law 270-2004, as amended.

Variance 1 is requesting 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 an interior side yard setback of 0.36 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.20 metres. The intent of the by-law in prohibiting below grade entrances in the required 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 is not impacted.

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 it's location will not contribute to disturbance onto adjacent properties by way of drainage or access. Staff have reviewed the application and have concerns relating to location of the below grade entrance relative to an existing storm sewer line located along the side yard of the property. Engineering Staff provided comments stating that they do not support the proposed below grade entrance due to the rear lot catch basin (RLCB) storm sewer line running along the side yard where the below grade entrance is proposed. Staff have communicated the matter with the applicant.

The requested variances are anticipated to impact the storm sewer line on site and are therefore not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed exterior stairway leading to a below grade entrance in a required side yard is anticipated to significantly affect the subject property and adjacent properties due to the location of the storm sewer line. The construction of a below grade entrance in the side yard of this property is anticipated to negatively impact the storm sewer line. The requested variances are not considered desirable for the appropriate development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are anticipated to have a negative impact on a RLCB storm sewer line running along the side yard. Staff have determined that sufficient space has not been provided to allow the construction of a below grade entrance in relation to the location of the storm sewer line. As such, Variances 1 and 2 are not considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

