



Report Committee of Adjustment

Filing Date: November 13, 2024

Hearing Date: December 10, 2024

File: A-2024-0428

**Owner/
Applicant:** ARUMUGAM PARAMSIVAM & AGASKAR CHAITALI NANDKUMAR

Address: 1 Copeland Road

Ward: WARD 4

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0428 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 drainage on adjacent properties shall not be adversely affected;
 5. That the fence used to screen the proposed below grade entrance shall be constructed in accordance with the sketch and not be removed or lowered, but may be repaired or replaced when necessary; 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 D (R1D)', 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 exterior side yard; and
2. To permit a proposed exterior side yard setback of 2.7 metres (8.86 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 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 1 Residential' in the Brampton Flowertown Secondary Plan (Area 6). The request for Variances 1 and 2 are 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 Variances 1 and 2 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. Variance 2 is requested to permit a proposed exterior side yard setback of 2.7 metres (8.86 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). The intent of the by-law in requiring a minimum exterior side yard setback to a below grade entrance and exterior stairway is to ensure that sufficient space is provided to allow access to the rear yard. City Engineering

Staff have also reviewed the proposed development and are satisfied that it does not negatively impact drainage on the subject parcel or abutting property. Staff recommend that the owner keep and maintain the fence that will be constructed to screen the existing entrance, in order to minimize visual impacts on the streetscape. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is seeking to permit an existing exterior stairway leading to a below grade entrance in the required exterior side yard, whereas the by-law does not permit a stairway constructed below established grade to be located in the required exterior side yard. Variance 2 is requested to permit a proposed exterior side yard setback of 2.7 metres (8.86 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). The proposed below grade entrance will be constructed along the western wall of the detached dwelling, which is located on the southeast corner of Copeland Road and Gervais Drive. 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. Conditions of approval are recommended that drainage on the adjacent properties shall not be adversely affected. The applicant has worked with City Staff to include a fence in the proposal, which will shield the entrance and stairway from community members. A condition has been included stating that the fence that is 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. Subject to the conditions of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is required to permit an exterior stairway leading to a below grade entrance in an exterior side yard. Variance 2 is required to permit a reduced interior setback to a stairway leading to a below grade entrance. These variances are not anticipated to have significant impact on access to the property or visually detract from the streetscape as the entrance and below grade stairway will be shielded from the public, due to a fence being in place. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis".

Ellis Lewis, Planner I

Appendix A:

