



## Report Committee of Adjustment

**Filing Date:** November 20, 2024

**Hearing Date:** December 10, 2024

**File:** A-2024-0431

**Owner/  
Applicant:** Ali Qadirian, Mariam Qadirian  
Alam Makur

**Address:** 46 Everingham Circle

**Ward:** WARD 9

**Contact:** François Hémon-Morneau, Principal Planner/ Supervisor

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### **Recommendations:**

That application A-2024-0431 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That drainage on adjacent properties shall not be adversely affected;
  3. That the applicant obtain a building permit for the above 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;
  4. That the above grade entrance shall not be used to access an unregistered second unit;
  5. That the applicant shall pay all fees associated with TRCA review; 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 – Special Section 1329 (R1D-1329)', according to By-law 270-2004, as amended.

**Requested Variance:**

The applicant is requesting the following variance:

1. To permit a 0.37 metres setback to the landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres (2.95 feet) to any steps (or landing) in the interior side yard.

**Current Situation:**

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as 'Residential' in the Official Plan and further designated 'Low/Medium Density Residential' 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 variance is not considered to have significant impacts within the context of the Official Plan policies. The 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses, as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities while facilitating intensification. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies.

As per Section 4.6.15.5 of the Brampton Official Plan, identifying and managing natural hazards is crucial to protecting public health and safety. This is achieved through proactive land use planning, along with ongoing risk identification, monitoring, and management. The TRCA has reviewed the applicant's development application against relevant policies and determined that the channel adjacent to the subject property is located outside of the regional floodplain. As such, the TRCA has raised no objections to the approval of this application.

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.

The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The requested variance seeks to permit a 0.37 metres setback to the landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres (2.95 feet) to any steps (or landing) in the interior 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 interior side yard is to ensure that access to the rear yard can be maintained and sufficient space is provided for drainage.

The proposed landing leading to an above grade entrance is not anticipated to restrict the ability to access the rear yard, as an adequate amount of space for access is maintained on the opposite side of the property for access to the rear yard. Furthermore, the proposed stairway leading to the above grade entrance is not anticipated to negatively impact drainage between the properties. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected.

Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The requested variance seeks to permit a 0.37 metres setback to the landing for an above grade side entrance. Despite the reduced setback of the interior side yard, Staff are satisfied with the entrance configuration as an unobstructed path of travel is maintained on the opposite side of the dwelling, and no adverse impacts to drainage on adjacent properties are anticipated.

Given that the stairway and entrance are existing, it is recommended, as a condition of approval, that the applicant obtain a building permit for the above 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, and that the above grade entrance shall not be used to access an unregistered second unit.

Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variance will assist in facilitating the reconstruction of an above grade entrance, which will lead to an additional residential unit. The design and location of the above grade entrance are not considered to significantly impact everyday use of the property. Staff have reviewed the application and are of the opinion that it should not negatively impact neighbouring properties. No adverse impacts to drainage are anticipated as the above grade entrance allows for the flow of water beneath the steps and landing. Further, there are no concerns regarding access as a sufficient path of travel is maintained on the property.

Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Principal Planner/ Supervisor

**Appendix A: Site Visit Photos**

