



Report Committee of Adjustment

Filing Date: November 20, 2024

Hearing Date: December 10, 2024

File: A-2024-0432

**Owner/
Applicant:** Nilaykumar Patel, Komalben Patel
Dhrupal Patel

Address: 15 Braddock Drive

Ward: WARD 6

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0432 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the revised sketch attached to the Notice of Decision;
 2. That the below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the owner shall extend the existing fence to adequately screen the proposed exterior stairway leading to a below grade entrance in a manner satisfactory to the Director of Development Services; and
 5. 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 C – Special Section 1231 (R1C-1231)', 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 a proposed exterior side yard setback of 1.8 metres 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 'Residential' in the Official Plan and further designated 'Low/Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44).

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. As stated in Official Plan Section 3.2.8.2(ii), a second unit must comply with the Ontario Building Code and/or Fire Code, Property Standards By-law and other applicable approval requirements.

The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan and maintain the general intent and purpose of the Official Plan.

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

The subject property is currently zoned 'Residential Single Detached C - Special Section 1231 (R1C-1231)', according to By-law 270-2004, as amended

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 interior side yard. The intent of the by-law in regulating the location of exterior stairways leading to below grade entrances is to ensure that appropriate site circulation is maintained; that drainage is not adversely affected; that the appearance of the below grade entrance does not negatively impact the overall streetscape; and that an adequate and appropriate amount of landscaped area is maintained.

Variance 2 is requested to permit an exterior side yard setback of 1.8 metres 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 is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The subject property is a corner lot situated at the intersection of Braddock Drive and Bouvier Drive. The proposed below grade entrance will be accessed by an exterior stairway located along the eastern wall of the dwelling. The proposed below grade entrance and associated stairway will result in an exterior side yard setback that does not comply with the by-law. However, they are not anticipated to adversely impact drainage on the property or restrict the ability to access the rear yard, as sufficient space is maintained on the opposite side of the property.

The applicant has submitted a revised Site Plan (Appendix B), which more accurately reflects the current site conditions, particularly the front porch. The revised drawing clarifies the owner's intention to extend the existing fence to enclose a larger portion of the side yard. As a recommended condition of approval, the owner shall be required to extend the existing fence accordingly to minimize the visual impact of the exterior stairway leading to a below grade entrance on the streetscape.

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

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit the construction of an exterior stairway leading to a below grade entrance. The stairway and below grade entrance are not expected to impede access to the rear yard or adversely affect drainage on adjacent properties. The subject property is a detached dwelling with sufficient access to the rear yard available on the opposite side of the dwelling. Furthermore, the proposal is not anticipated to negatively impact the overall streetscape, as the applicant has submitted a revised Site Plan (Appendix B) proposing to screen the exterior stairway by extending the existing fence. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit.

Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are not anticipated to significantly impact drainage or limit access to the property. The location of the proposed exterior stairway leading to a below grade entrance is appropriate given the site context and proposed extension of the existing fence to minimize visual impact on the streetscape.

Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A: Site Visit Photos



Appendix B: Revised Site Plan

