



## Report Committee of Adjustment

**Filing Date:** September 14<sup>th</sup>, 2024  
**Hearing Date:** January 28<sup>th</sup>, 2025  
**File:** A-2024-0348  
**Owner/  
Applicant:** Ambalavanar Pratheepan  
Raj Balasundaram  
**Address:** 12 Festoon Place  
**Ward:** WARD 8  
**Contact:** Marcia Razao, Planning Technician

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### **Recommendations:**

That application A-2024-0348 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 the above grade entrance shall not be used to access an unregistered second unit;
  3. That drainage on adjacent properties should not be adversely affected;
  4. 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 Semi Detached A(2) – Special Section 247 (R2A(2) -247)', according to By-law 270-2004, as amended and is subject to the Mature Neighbourhood Area policies which has additional standards to ensure that proposed residential additions and replacement dwellings within older mature neighbourhoods are compatible with the existing character of the surrounding area.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 1.09 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres extending from the front wall of the dwelling up to and including the door; and
2. To permit 0.71 metres setback to the steps or landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres to any steps or landing in the interior side yard.

### **Current Situation:**

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

The property is designated 'Residential' in the 2006 Official Plan and 'Low Density Residential' in the Bramalea Secondary Plan (Area 3). 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.

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 and Property Standards By-law and other applicable approval requirements. It is noted that the entrance will not be suitable for the primary access to a secondary suite if it would fail to meet minimum Ontario Building Code requirements. The requested variances are not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed 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**

Variance 1 to permit a proposed above grade entrance in a side yard having a minimum width of 1.09 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres extending from the front wall of the dwelling up to and including the door. Variance 2 is to permit 0.71 metres setback to the steps or landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres 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.

The proposed above grade entrance and resulting setback 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. Furthermore, the configuration and design of the entrance features riser steps on either side of the landing which prevents a need for trespassing on the adjacent property. Subject to the

recommended conditions of approval, the variances 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 to permit a proposed above grade entrance in a side yard having a minimum width of 1.09 metres extending from the front wall of the dwelling up to the door. Variance 2 is to permit 0.71 metres setback to the steps or landing for an above grade side entrance. The additional residential use will work towards the development of various housing types that can accommodate a broader range of living situations. Conditions of approval are recommended noting that the above grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties should not be adversely affected. The proposed door is located within a non-exclusive easement on the property, Legal has reviewed and does not have issues with the requested variances given that the owner of the neighboring property can still use the granted non-exclusive easement. Subject to the recommended conditions of approval, the variance is deemed appropriate for the development of the land.

4. Minor in Nature

The location of the proposed above grade entrance is not considered to impact access to the rear yard and is appropriate given the site context. The variances are not anticipated to have significant impact on drainage or limiting access to the property due to the site context and stairway configuration. Subject to the recommended conditions of approval the variances are deemed minor in nature.

Respectfully Submitted,

*Marcia Razao*

Marcia Razao, Planning Technician

**Appendix A:**

