



Report Committee of Adjustment

Filing Date: November 21, 2024

Hearing Date: January 28, 2025

File: A-2024-0434

**Owner/
Applicant:** Jitender Singh, Jagminder Kaur
Pavneet Kaur

Address: 39 Peak Drive

Ward: WARD 5

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0434 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 drainage on adjacent properties shall not be adversely affected;
 3. The owner shall submit correspondence confirming the developer's support for the proposed work during the unassumed status of the subdivision, to the satisfaction of the Development Department, prior to the issuance of the building permit;
 4. That the below grade entrance shall not be used to access an unregistered second unit; 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:

The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. The developer's engineer responsible for the subdivision

has not provided comments at the time of staff writing this report. Until the subdivision is assumed, the developer is responsible for ensuring that ongoing requirements of the subdivision under maintenance be respected, including requirements relating to drainage and grading. The proposed stairway leading to a below grade entrance may impact the lot grading requirements or drainage of the subject property for which the developer is currently responsible. Staff recommend the inclusion of a condition that requires confirmation of the developer's comments and support of the proposed work prior to the issuance of building permits.

Existing Zoning:

The property is zoned 'Institutional One-Special Section 2485 (I1-2485)', according to By-law 270-2004, as amended. The Special Section permits the purposes permitted by R1E-11.6-2483.

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 3.26 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 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 Density 2 Residential' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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 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 seeks 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 requests to permit a proposed exterior side yard setback of 3.26 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 metres. The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection. 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 below grade entrance is proposed to be constructed along the western wall of the dwelling fronting Peak Drive. The subject property is a corner lot located at the northeast intersection of Peak Drive and Eastern Drive. The applicant provided a Site Plan which illustrates that the entrance will be screened from the streetscape using forms of vegetation/shrubs. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will be screened, limiting visual impact. City Engineering Staff have also reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. 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

The variances are requested to permit an exterior stairway leading to a below grade entrance which will be located between the main wall of the dwelling and the front of a flankage lot line and encroach into the exterior side yard setback. The addition of the below grade entrance should not interfere with the streetscape of the community as the applicant has submitted a Site Plan which depicts the stairway and entrance being screened by the addition of shrubs/bushes. It is recommended that a condition of approval be that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the sitting of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

The variances are requested to permit an exterior stairway to a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. Given that the below grade entrance will be screened by vegetation that will be adjacent to the side lot line, Staff are satisfied that

the existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

