



Report Committee of Adjustment

Filing Date: November 22, 2024
Hearing Date: January 28, 2025
File: A-2024-0436
**Owner/
Applicant:** Harjinderpal Phatra
Shivang Tarika
Address: 530 Edenbrook Hill Drive
Ward: WARD 6
Contact: Annie Thomson, Planning Technician

Recommendations:

That application A-2024-0436 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. That the above grade entrance shall not be used to access an unregistered second unit; and
 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 Single Detached F – Special Section 2452 (R1F-9-2452)', 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.
2. To permit a 0.07 metres side yard setback to a proposed exterior stairway leading to a below grade entrance in the required interior side yard, resulting in a combined side yard width of 0.71 metres, whereas the by-law requires a minimum side yard setback of 0.6 metres provided that the combined total for both side yards on an interior lot is 1.8 metres.

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 as 'Low/Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51).

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 variances are 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 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. Credit Valley Conservation (CVC) has reviewed this development application against relevant policies and determined that the property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to CVC.

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 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

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 side yard. Variance 2 is requested to permit a 0.07 metres side yard setback to a proposed exterior stairway leading to a below grade entrance in the required interior side yard, resulting in a combined side yard width of 0.71 metres, whereas the by-law requires a minimum side yard setback of 0.6 metres provided that the combined total for both side yards on an interior lot is 1.8 metres. The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage while still permitting access to the rear yard.

When completing a review to determine whether the location of the proposed exterior stairway leading to a below grade entrance is appropriate, City Staff look to ensure that its location will not contribute to disturbances onto adjacent properties by way of access or drainage. Despite the setback reduction to one side of the property, rear yard access remains feasible, as there is a 0.64-metre-wide path on the opposite side of the dwelling. The design of the proposed below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. Additionally, the proposal includes three-step risers flanking the entrance, eliminating the need to encroach upon neighbouring properties.

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 within the required interior side yard. The requested variances are not anticipated to negatively affect the subject property or adjacent properties. 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. Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties shall not be adversely affected.

Subject to the recommended conditions, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances will facilitate the creation of an exterior stairway leading to a below grade entrance. The variances are not anticipated to have a significant impact on drainage or limit access to the property, given the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

Annie Thomson

Annie Thomson, Planning Technician

Appendix A: Site Visit Photos

