



Report Committee of Adjustment

Filing Date: December 11, 2024

Hearing Date: January 28, 2025

File: A-2024-0452

**Owner/
Applicant:** Jaskaran Preet Singh & Harman Preet Singh

Address: 24 National Crescent

Ward: WARD 2

Contact: Courtney Sutherland, Assistant Development Planner

Recommendations:

That application A-2024-0452 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 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 applicant obtain a building permit for the below 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
 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 686 (R1C-686)," according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.03 metres to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres (3.94 feet) is provided on the opposite side of the dwelling.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and "Low Density Residential' in the Snelgrove – Heart Lake Secondary Plan (Area 1).

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. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential 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 nature and extent of the proposed variance is considered to maintain the general intent and purpose of the Official Plan.

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

The variance is requested to permit an interior side yard setback of 0.03 metres to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres (3.94 feet) is provided on the opposite side of the dwelling.

The intent of the By-law in 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. Despite the setback reduction to one side of the property, rear yard access remains feasible as there is a path that is 1.23 m (4.04 feet) wide on the eastern side of the property. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. Additionally, the proposal includes 2 step risers flanking the entrance, eliminating the need to encroach upon neighboring properties. Subject to the conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance seeks a reduced side yard setback in order to facilitate the separate entrance within the required interior side yard. The variance to reduce the setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties. The By-law has a requirement for a minimum side yard setback of 0.3 metres, whereas 0.03 metres is being requested. Despite the proposed exterior stairway resulting in a decreased interior side yard setback, staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and rear yard is provided due to the construction of two step risers on either side of the entrance. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Given that the below grade entrance is existing, a condition is recommended that the applicant obtain a building permit for the below 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. Subject to the recommended condition of approval, the proposed variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance will facilitate the exterior stairway leading to a below grade entrance by permitting a reduced setback. The variance is not anticipated to have significant impact on drainage or limit access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the requested variance is deemed minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'C. Sutherland', written in dark ink.

Courtney Sutherland, Assistant Development Planner

Appendix 1: Site Photos

