



Report Committee of Adjustment

Filing Date: November 28, 2024

Hearing Date: February 25, 2025

File: A-2024-0459

Owner: Amarjeet Singh, Darshan Didar Kaur

Applicant: Valiuddin Mohammed

Address: 32 Willick Place

Ward: WARD 5

Contact: Qian (Andrea) Zhang, Planner I

Recommendations:

That application A-2024-0459 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 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 'zoned 'Residential Single Detached D - Special Section 930 (R1D-930)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.56 metres to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres on one side, and 0.6 metres on the other side; and
2. To permit an existing 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.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Fletchers Meadow (Area 44).

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 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. Subject to the recommended conditions of approval, 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 an interior side yard setback of 0.56 metres to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres on one side, and 0.6 metres on the other side. The intent of the by-law in regulating minimum interior side yard setbacks is to ensure that sufficient space is maintained for not only access to the rear yard of the property but also to minimize negative impacts on drainage between the exterior stairs, property line and adjacent properties. Despite the reduction in the interior side yard setbacks, the addition of the below grade entrance, built in accordance with the Ontario Building Code requiring proper drainage for this form of construction, is not anticipated to negatively impact drainage on site nor adjacent properties. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 requests to permit an existing 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 prohibiting below grade

entrances in the interior side yard is to ensure that sufficient space is provided for access to the rear of the property. Access to the rear yard is not impacted, as access is maintained with the existing configuration of the exterior stairway and resulting setbacks. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

City Engineering Staff have also reviewed the provided Site Plan and are satisfied with it 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 requested variances are intended to facilitate the legalization of an existing below grade entrance located within a required interior side yard which is intended to be used as a primary entrance to a second unit within the dwelling. A condition of approval is recommended that the below grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code. As the entrance is already constructed without a permit, that the applicant obtains 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.

Furthermore, the subject property is located within 300 metres of the Canadian National (CN) Halton Subdivision, which carries Metrolinx's Kitchener GO rail services. As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, Metrolinx has reviewed the application and recommended that the Owner grant Metrolinx an environmental easement for operational emissions and provide confirmation to Metrolinx that the required warning clause to be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit.

Subject to the recommended conditions, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are intended to facilitate a below grade entrance to a secondary unit within the interior side yard of a residential property. The location of the entrance does not present any concerns with regards to drainage for the subject property or adjacent properties and sufficient space to the rear yard is maintained. Subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,



Qian (Andrea) Zhang, Planner I

Appendix A: Site Photos

