



Report Committee of Adjustment

Filing Date: December 17, 2024

Hearing Date: February 25, 2025

File: A-2024-0469

**Owner/
Applicant:** Yogang Pandya, Charmy Kantawala

Address: 5 Dunn Place

Ward: 7

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0469 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 shall 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 Single Detached B – (R1B)', according to By-law 270-2004, as amended and located within the Mature Neighbourhood Area.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.33 metres to the proposed steps & landing for an existing 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 subject property is designated as 'Residential' in the Official Plan and 'Low Density 1 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 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 requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains 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 0.33 metres to the proposed steps & landing for an existing 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 side yard setback to be provided for steps and landing leading to an above grade side entrance is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard and preventing the encroachment on neighbouring property.

The subject property features a single detached dwelling situated on a lot with rear yard access provided on both sides of the dwelling and an existing above grade entrance along the southern wall of the dwelling which will be redesigned and reoriented towards the front of the property. Given the site configuration, unimpeded travel to the rear yard will be maintained on the opposite side of the dwelling. The above grade entrance includes five steps to the landing providing pedestrian access to the door from the front yard. The requested variance is not anticipated to pose significant concern for the subject property nor adjacent properties. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit a separate entrance for the purpose of creating an additional residential unit. The variance to allow reduced setbacks to the steps and landing is not anticipated to

negatively affect the subject property or adjacent properties. Conditions of approval are recommended that the above grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Staff note that the above grade entrance is existing but the steps and landing are proposed to be redesigned in a more suitable manner. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to facilitate the registration of an additional residential unit by allowing the location and setbacks of the steps and landing to an existing above grade entrance. The reduced interior side yard setback is not considered to significantly limit everyday use and provide sufficient space for emergency responders. Subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A - Site Visit Photos

