



Report Committee of Adjustment

Filing Date: December 18, 2024
Hearing Date: February 25, 2025

File: A-2024-0474

Owner: Narinder Singh, Rajwinder Kaur, Harpreet Kaur
Applicant: Manjyot Thandi

Address: 130 Fandango Drive

Ward: WARD 5

Contact: Qian (Andrea) Zhang, Planner I

Recommendations:

That application A-2024-0474 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 owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services; 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 Semi-Detached A (R2A-1313)', 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 side yard; and
2. To permit a proposed exterior side yard setback of 1.83 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres.

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 Credit Valley (Area 45).

The subject property is designated as 'Community Areas' with an overlay of 'Town Centres' (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 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 requests to permit a proposed exterior side yard setback of 1.83 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres. The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line and requiring minimum exterior side yard setback is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection, and that sufficient space is maintained for drainage and access to the rear yard.

The below grade entrance is proposed to be constructed along the east wall of the dwelling fronting Fandango Drive. The subject property is a corner lot located at the northwest intersection of Fandango Drive and Kilrea Way. Access to the rear yard will not be impacted, as access is maintained with the

proposed location and configuration of the exterior stairway and resulting setbacks. 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 reviewed the proposal and are of the opinion that drainage is not impacted. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit an exterior stairway leading to a below grade entrance to 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, which is intended to be used as a primary entrance to a second unit within the dwelling. 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. 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. 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 site context.

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 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, the variances are considered to be minor in nature.

Respectfully Submitted,



Qian (Andrea) Zhang, Planner I

Appendix A: Site Photos

