



Report Committee of Adjustment

Filing Date: December 20, 2024

Hearing Date: February 25, 2025

File: A-2024-0480

**Owner/
Applicant:** Ashiah Rathore, Raminder Pal Singh Rathore, Santosh Rathore
Hiren Shah

Address: 107 Eastbrook Way

Ward: 10

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0480 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 and that drainage from the open, roofed structure be directed towards the subject property;
 4. That the open, roofed structure shall remain unenclosed, with open sides on either side of the entrance stairs;
 5. That the applicant provides the required \$660.00 planning review fee as noted in the TRCA's letter dated February 7, 2025 .
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The Minor Variance application is seeking approval to construct a below grade entrance with stairs and landing located within the required interior side yard. The owner also proposes to construct an open,

roofed porch structure above the below grade entrance. Variances are therefore being requested to permit a reduced interior side yard setback and location of the proposed stairway leading to a below grade entrance and open, roofed porch structure.

Existing Zoning:

The property is zoned 'Residential Single Detached D – (R1D)' and Special Section 1812, 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 0.3 metre side yard setback to a proposed exterior stairway leading to below grade entrance in the required interior side yard, resulting in a combined side yard width of 0.91 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 not less than 1.8 metres;
3. To permit a proposed open, roofed structure in the interior side yard, whereas the by-law does not permit an open, roofed structure in the interior side yard; and
4. To permit a 0.30 metre side yard setback to a proposed open, roofed structure in the required interior side yard, resulting in a combined side yard width of 0.91 metre, whereas the by-law requires a minimum side yard setback of 0.6 metre provided that the combined total for both side yards on an interior lot is 1.8 metre.

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 'Residential - Low/Medium Density' in the Bram East Secondary Plan (Area 41).

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. Variances 1 and 2 will facilitate the creation of an Additional Residential Unit which will be subject to a Building Permit review. The requested variances, including

those relating to the open, roofed structure in the interior side yard 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 interior side yard. Variance 2 is requested to permit a 0.3 metre side yard setback to a proposed exterior stairway leading to below grade entrance in the required interior side yard, resulting in a combined side yard width of 0.91 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 not less than 1.8 metres. 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.

In the case of the single-detached dwelling situated on a lot with rear yard access provided on either side of the dwelling, a proposed below grade entrance with staircase along the southern wall of the dwelling will result in a setback that does not comply with the by-law. However, despite this setback reduction, rear yard access remains feasible. The design of the below grade entrance and stairs ensures unimpeded travel to the rear yard with a continuous pathway and access is maintained on the opposite side of the property. Additionally, the proposal includes two step risers flanking the entrance, eliminating the need to encroach upon neighboring properties.

Variance 3 is requested to permit a proposed open, roofed structure in the interior side yard, whereas the by-law does not permit an open, roofed structure in the interior side yard. Variance 4 is requested to permit a 0.30 metre side yard setback to a proposed open, roofed structure in the required interior side yard, resulting in a combined side yard width of 0.91 metre, whereas the by-law requires a minimum side yard setback of 0.6 metre provided that the combined total for both side yards on an interior lot is 1.8 metre. Similarly to the variances 1 and 2, the intent of the by-law in requiring a minimum interior side yard setback and prohibiting structures in an interior side yard is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard.

The owner proposes to construct an open, roofed structure above the proposed below grade entrance. Given that the structure is proposed to be open sided, matching the design of the below grade entrance and stairs, it ensures an unimpeded travel to the rear yard. In order to ensure that drainage is not impacted, staff recommend the following condition to be imposed: That drainage on adjacent properties shall not be adversely affected and that drainage from the open, roofed structure be directed towards the subject property.

Subject to the recommend 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

The requested variances are to facilitate the construction of a proposed separate entrance with an open, roofed structure within the required interior side yard for the purpose of creating an additional residential unit. The variance to reduce the resulting setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties. Furthermore, conditions are recommended that the open, roofed structure shall remain unenclosed, with open sides on either side of the entrance stairs to ensure continuous access to the rear yard is maintained. Conditions of approval are also recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, the variance is considered 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 and open, roofed structure by permitting reduced interior side yard setbacks. The variances are not anticipated to have significant impact on drainage or limiting access to the property due to the site context and proposed stairway and structure configurations. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A - Site Visit Photos

