



Report Committee of Adjustment

Filing Date: December 20th, 2024
Hearing Date: February 25th, 2025

File: A-2024-0482

Owner/Applicant: Shivang Tarika, Kunwar Gambhir

Address: 6 Mirabell Court

Ward: Ward 3

Contact: Marina Shafagh, Planner I, Development

Recommendations:

That application A-2024-0482 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 not be impacted;
 4. That the homeowner provides a CCTV sewer inspection video and CCTV sewer report of the rear lot catch basin storm sewer pipe to City of Brampton right-of-way to the satisfaction of the director of Planning, Building and Growth Management prior to the closing of the building permit.
 5. 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; and,
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Staff note that the below-grade entrance has already been constructed without a building permit, the Engineering review demonstrated that a sewer pipe leading to a catch basin is located beneath the constructed below-grade entrance and may have been negatively impacted. Therefore, as a condition

of this application, the homeowner must provide a CCTV sewer inspection video and report of the rear lot catch basin storm sewer pipe to the City of Brampton's right-of-way, to the satisfaction of the Director of Planning, Building and Growth Management, prior to the closing of the building permit.

Existing Zoning:

The property is zoned 'Residential Single Detached D- Special Section 2570 (R1D-2570), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. 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.
2. To permit an interior side yard setback of 0 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.
3. To permit a 0.9 metres wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres leading to the principal entrance of an additional residential unit.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Medium Density Residential' in the Fletcher's Creek South Secondary Plan (Area 24).

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. 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 is requested 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 proposed configuration of the exterior stairway. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit an interior side yard setback of 0 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 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. As per development engineering and building staff request, the applicant is required to prove that there will be no negative impact on drainage, as the entrance and stairway may have been constructed over a catch basin pipe. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit a 0.9 metres wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres leading to the principal entrance of an additional residential unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient area to act as the primary path of access to a second unit for both everyday and emergency purposes. The proposed path of travel will maintain the minimum 0.9 metres Ontario Building Code requirement and sufficient space is also provided on the other side of the dwelling. The opposite side of the dwelling accommodates a 1.2 metres path of travel for access to the rear yard without concern surrounding the trespassing on neighbouring properties. Therefore, variance 3 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 variances are intended to facilitate the construction of a below grade entrance to be located within a required interior side yard which is intended to be used as an 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.

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 allow for a below-grade entrance to a secondary unit within the interior side yard of a residential property. As a condition of approval, the owners are required to

provide the necessary documents to demonstrate that there will be no negative impact on drainage. As such and subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Marina Shafagh

Marina Shafagh
Planner I, Development

Appendix A



