



Report Committee of Adjustment

Filing Date: October 25, 2024
Hearing Date: February 25, 2025

File: A18-148

Owner: Christine Haye-Callaghan

Applicant: Anju Bhutani

Address: 70 Commodore Drive

Ward: Ward 5

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A18-148 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. The owner shall obtain a building permit, 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;
 4. That drainage on adjacent properties should not be adversely affected; 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 'Residential Special Section 1318 (R2A – SS 1318)', 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 side yard; and
2. To permit an interior side yard setback of 0.29 metres to the exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres.

Current Situation:

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

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 property is designated 'Residential' in the Official Plan and 'Low Density 2 Residential' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan policies 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

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. Variance 2 is requested to permit an interior side yard setback 0.29m to the exterior stairway leading to below grade entrance, whereas the by-law requires a minimum side yard setback of 1.2 metres.

The intent of the by-law in prohibiting an exterior stairway to a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to

ensure that an adequate amount of space is provided to allow for drainage, while still allowing access to the rear yard.

When completing a review to determine whether the location of a below grade entrance and resulting interior side yard setback are appropriate, Staff look to ensure that its location will not contribute to disturbance onto adjacent properties by way of drainage or access. Despite the setback being reduced to 0.29 metres, access to the rear yard is maintained as the design of the below grade entrance will not impede travel to the rear yard due to the continuous path that is presented. Single step down and up concept is existing on either side of the entrance which eliminates the need to trespass onto the neighbours' 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

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. Variance 2 is requested to permit an interior side yard setback 0.29m to the exterior stairway leading to below grade entrance, whereas the by-law requires a minimum side yard setback of 1.2 metres. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current site conditions as an unobstructed path of travel to and from the front and rear yard is provided due to the construction of single step down and up on either side of the entrance. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

The existing location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard. The location of the existing below grade entrance to access the house is appropriate given the site context. The requested variances are not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

Emily Mailling, Planning Technician

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Site Visit Photos

