



Report Committee of Adjustment

Filing Date: August 21, 2024

Hearing Date: March 25, 2025

File: A-2024-0325

**Owner/
Applicant:** **Abhinav Sharma, Mridula Sharma
Pavneet Kaur**

Address: **38 Eastman Drive**

Ward: WARD 5

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0372 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 owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape that is reflected on the sketch attached to the Notice of Decision;
 3. The homeowner will be responsible for any damage, or alteration to the existing acoustical fence. Any work on the acoustical fence will have to conform to approved acoustical fence standards;
 4. That drainage on adjacent properties shall not be adversely affected;
 5. That the below grade entrance shall not be used to access an unregistered second unit; 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:

The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. The developer's engineer responsible for the subdivision has provided the comments included below:

- If the homeowner wants to make changes it will be solely their responsibility to coordinate this.
- I have no objection to the change in location of the gate but note that it is currently being installed per our approved plans.

Until the subdivision is assumed, the developer is responsible for ensuring that ongoing requirements of the subdivision under maintenance be respected, including requirements relating to drainage and grading. The proposed (*below grade entrance*) may impact the lot grading requirements or drainage of the subject property for which the developer is currently responsible. Noting this Staff have included a condition that requires any modifications made by the owner be up to City standards as required.

Existing Zoning:

The property is zoned 'Residential -Special Section 2483 (R1E-11.6-2483)', 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 exterior side yard; and
2. To permit an exterior side yard setback of 3.39 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 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 'Medium Density 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. 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. 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 exterior side yard. The intent of the by-law in prohibiting below grade entrances in a required side yard is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection.

Variance 2 seeks to permit an exterior side yard setback of 3.39 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 metres. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The below grade entrance is proposed to be constructed along the eastern wall of the dwelling fronting Eastman Drive. 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 also reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting 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

Variances 1 and 2 are requested to permit an exterior stairway leading to a below grade entrance and encroach into the exterior side yard setback. The addition of the below grade entrance should not interfere with the streetscape of the community as the site plan depicts the stairway and entrance being screened by vegetation. It is recommended that a condition of approval be that the below grade entrance shall not be used to access an unregistered second unit. 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 sitting of the property. Subject to the recommended condition of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit an exterior stairway to a below grade entrance to 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, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos

