



Report Committee of Adjustment

Filing Date: December 2, 2025
Hearing Date: March 25, 2025
File: A-2024-0448
**Owner/
Applicant:** Kashif Shahzad and Irrum Aleem
Address: 87 Calm Waters Crescent
Ward: 1
Contact: Megan Fernandes, Planner 1

Recommendations:

That application A-2024-0448 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the applicant obtain a building permit be obtained for the proposed deck 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
 3. That the proposed deck not be used to access an unregistered Additional Residential Unit;
 4. That drainage on adjacent properties shall 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 Extended Zone – Special Section 1221 (R2B-1221)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.26 m setback to to a proposed deck, whereas the by-law requires a minimum interior side yard setback of 0.9 metres.

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 'Low Density 1 – Residential Brampton Flowertown Secondary Plan (Area 6).

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.

The 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities, while facilitating intensification. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies. As per the Flowertown Secondary Plan, the predominant use of land in which the subject land is generally located within is residential and collectively includes a wide range of dwelling types. Consideration is given to applications that support a variation of housing types and density policies which work within the City's guidelines, as these proposals work towards demonstrating the City's underlying housing mix.

As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements.

The requested variance has 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 an interior side yard setback of 0.26 metres to a proposed deck, whereas the by-law requires a minimum interior side yard setback of 0.9 metres. The intent of the bylaw in requiring a minimum interior side yard setback to the deck for an above grade side entrance and regulating the design is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard and preventing the encroachment on neighbouring property

In the case of the subject property, the subject property is a semi-detached property dwelling situated on a lot with rear rear yard access provided on one side of the dwelling an existing above grade entrance along the west wall of the dwelling does not impede access to the rear yard. The design of the above grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. The above grade entrance includes four steps at both the front and rear of the landing to provide pedestrian access from the front yard to the rear yard eliminating the need to encroach upon neighboring properties. Subject to the conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit an existing separate entrance for the purpose of creating an additional residential unit. The variance a reduced interior side yard setback of the landing is not anticipated to negatively affect the subject property or adjacent properties. Conditions of approval are recommended that the above grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Given that the above grade entrance is existing, an additional condition is recommended that the applicant obtain 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. 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 variance will assist in facilitating the use of an existing above grade entrance which will lead to an additional residential unit. The design and location of the above grade entrance with reduced interior side yard setback is not considered to significantly impact everyday use. The application has been reviewed by Staff and they are of the opinion that neighbouring properties should not be negatively impacted by the existing stairway. No negative impacts to drainage are anticipated as the above grade entrance allows for flow of water beneath the stairway. The requested variance is considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planner I

Appendix A – Site Visit Photos



