



## Report Committee of Adjustment

**Filing Date:** March 7, 2025

**Hearing Date:** April 29, 2025

**File:** A-2025-0027

**Owner/  
Applicant:** Walakulu Arachchi Ranga Dhammika, Ranaweera Manaraja Nalana

**Address:** 271 Remembrance Road

**Ward:** WARD 6

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2025-0027 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 shall obtain a building permit within 60 days of the decision of approval or within an extended period of time at the discretion of the Chief Building Official;
3. That the owner submit a revised drawing that demonstrates that the existing below grade entrance is adequately screened by the acoustic fence to minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
4. 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;
5. That drainage on adjacent properties shall not be adversely affected;

6. That the below grade entrance shall not be used to access an unregistered second unit; and
  7. 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 2452 (R1F-x-2483)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing exterior side yard setback of 1.70 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres; and
2. 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.

**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/Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). 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 an existing exterior side yard setback of 1.70 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 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.

Variance 2 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.

The below grade entrance is proposed to be constructed along the western wall of the dwelling fronting Remembrance Road. 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 staff have recommended conditions that the owner submit revised drawings that depict the stairway and entrance being screened by the acoustic fencing. 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 as part of Staff's recommended conditions by the acoustic fence which is 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**

