



## Report Committee of Adjustment

**Filing Date:** July 24, 2022  
**Hearing Date:** August 23, 2022

**File:** A-2022-0240

**Owner/  
Applicant:** RAJAN AGGARWAL AND PRIYANKA GUPTA

**Address:** 9 BARRIER REEF LANE

**Ward:** WARD 9

**Contact:** Mohammed Jalabi, Assistant Development Planner

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### Recommendations:

That application A-2022-0240 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. The damaged curb is to be reinstated as per municipal standards;
3. If a curb cut is requested, the owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance & Operations Section; and,
4. 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 Semi-Detached A (R2A-760)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance in a required interior side yard;
2. To permit a 0.85m (2.78 ft.) setback to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);

3. To permit an existing accessory structure (shed) having a rear yard setback of 0.3m (0.98 ft.) and a side yard setback of 0.25m (0.82 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2). The nature and extent of the proposed 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 a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard. Variance 2 is requested to permit a 0.85m (2.78 ft.) setback to an existing below grade entrance whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.). The intent of the by-law in prohibiting below grade entrances in the required interior side yard, and requiring a minimum amount of interior side yard setback is to ensure that there is adequate room available to allow for access to the rear yard.

The owner has proposed to construct a below grade entrance encroaching into the required interior side yard. The proposed below grade entrance and associated setback into the required interior side yard is not anticipated to have significant impact on drainage. Given the proposed location and configuration of the below grade entrance stairway, sufficient area for access to the rear and side yards of the property will be maintained. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing accessory structure (shed) having a rear yard setback of 0.3m (0.98 ft.) and a side yard setback of 0.25m (0.82 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines. The intent of the by-law in regulating a minimum setback to all lot lines for accessory structures is to ensure adequate room is provided for drainage.

The location of the storage shed is not considered to be adversely impacting drainage on the property or adjacent properties. The structure maintains all other Zoning By-law requirements. 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 permit a proposed below grade entrance and landing to be situated in the required interior side yard. And permit existing accessory structure with a setback of 0.30m and 0.25m from rear and side property line respectively. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land as they are not anticipated to generate negative impacts on-site or off-site.

#### 4. Minor in Nature

The requested variances are not expected to have significant impact on drainage or limit access to the property given that sufficient area for access to the property will be maintained. The requested variances (1 & 2) pertaining to the proposed below grade entrance are deemed minor in nature. The requested Variances (3) pertaining to the existing accessory structure in the rear of the property is deemed minor in nature given that it is not considered to impact drainage.

Respectfully Submitted,

*Mohammed Jalabi*

Mohammed Jalabi, Assistant Development Planner