

**Filing Date:** August 16, 2022  
**Hearing Date:** September 13, 2022

**File:** A-2022-0271

**Owner/  
Applicant:** Ajay Kumar & Taruna Kumar / Pardeep Gogna

**Address:** 81 Dairymaid Road

**Ward:** 6

**Contact:** Noel Cubacub, Planner III

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**Recommendations:**

That application A-2022-0271 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 and the updated Site Plan as shown in Appendix A of this report;
  2. That the Owner make any and all necessary arrangements with the Developer as required in order to construct the below grade entrance and that the Owner provide a written letter between the developer and they as verification that all requirements have been met to begin works;
  3. That fencing having a maximum height of two (2) metres shall be erected to screen the below grade entrance from view from Dairymaid Road to the satisfaction of the Director of Development Services;
  4. That the below grade entrance shall not be used to access an unregistered second unit;
  5. That a building permit for below grade entrance shall be obtained, within an appropriate period of time at the discretion of the Chief Building Official;
  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 Minor Variance application is seeking approval to construct a below grade entrance with stairs located in the interior side yard of the detached dwelling. Two variances are required to facilitate the construction of the proposed below grade entrance. The subject property is part of a subdivision that has not yet been assumed by the City.

It shall be noted that the applicant has submitted a revised drawing showing that the proposed stairs to the below grade entrance will be screened from Dairymaid Road. Should the application be approved conditions of approval to be recommended should use the revised drawing submitted by the applicant in Appendix A. Included in Appendix A is also an email from the Developer's Engineer noting that in order to complete the works a deposit will need to be made by the Owner prior to beginning works.

### Existing Zoning:

The property is zoned 'Residential Single Detached E – Special Section 2916 (R1F-914.0-2916)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;
2. To permit an exterior side yard setback of 4.07m (13.35 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

## **Current Situation:**

### 1. Conforms to the Intent of the Official Plan

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. The requested variance is considered to maintain the general intent and purpose of the Official Plan.

### 2. Conforms to the Intent of the Zoning By-law

The property is zoned 'Residential Single Detached E – Special Section 2916 (R1F-914.0-2916)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a below grade entrance to be located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line. The intent of the by-law in prohibiting below grade entrances between a main wall of the

dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape. The below grade entrance, if appropriately screened, is not anticipated to negatively impact the overall streetscape

A condition of approval is recommended that fencing having a maximum height of 2 metres shall be erected to screen the below grade entrance from view from Dairymaid Road to the satisfaction of the Director of Development Services so that no parts of the entrance will be visible from the public realm.

Variance 2 is requested to permit an exterior side yard setback of 4.07m (13.35 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.). 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. Given that the property is in an unassumed area of the City, staff have reached out to the Developer's Engineering team for comment regarding this application. The engineer has responded to the City and noted that they will require a deposit of \$20,000.00 prior to commencing works. The Engineer did not state any issues. Additionally, this is a corner lot of the neighbourhood which provides ample opportunities for drainage as well as access to the rear yard. With this in mind there are no anticipated negative impacts related to proposed reduced exterior side yard setback.

Therefore, the variances are considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to facilitate the construction of a proposed below grade entrance in the exterior side yard between a main wall of the dwelling and the interior lot line. The proposed works will allow for additional housing opportunities for the resident of Brampton, both current and future and is seen as a desirable element for the development of the land.

It shall be noted that the subject property is located within a recently constructed subdivision which has not yet been assumed by the City. Having heard from the developer's engineering team as well as accessing the property in terms of drainage and accessing of the rear yard there is no anticipated negative impacts to the property nor adjacent properties or the public right-of-way.

Therefore, the variances are considered desirable for the appropriate development of the land.

### 4. Minor in Nature

Variances 1 and 2 are related to the proposed works on the property that involve some element of the grade being affected. The proposed variances are nominal in nature particularly given the size and configuration of the lot. Along with the correspondence from the developer's engineer staff are of the opinion that there are no anticipated negative impacts as a result of these variances for the subject property or any adjacent

properties.

With this information in mind, the variances are considered minor in nature.

Respectfully Submitted,

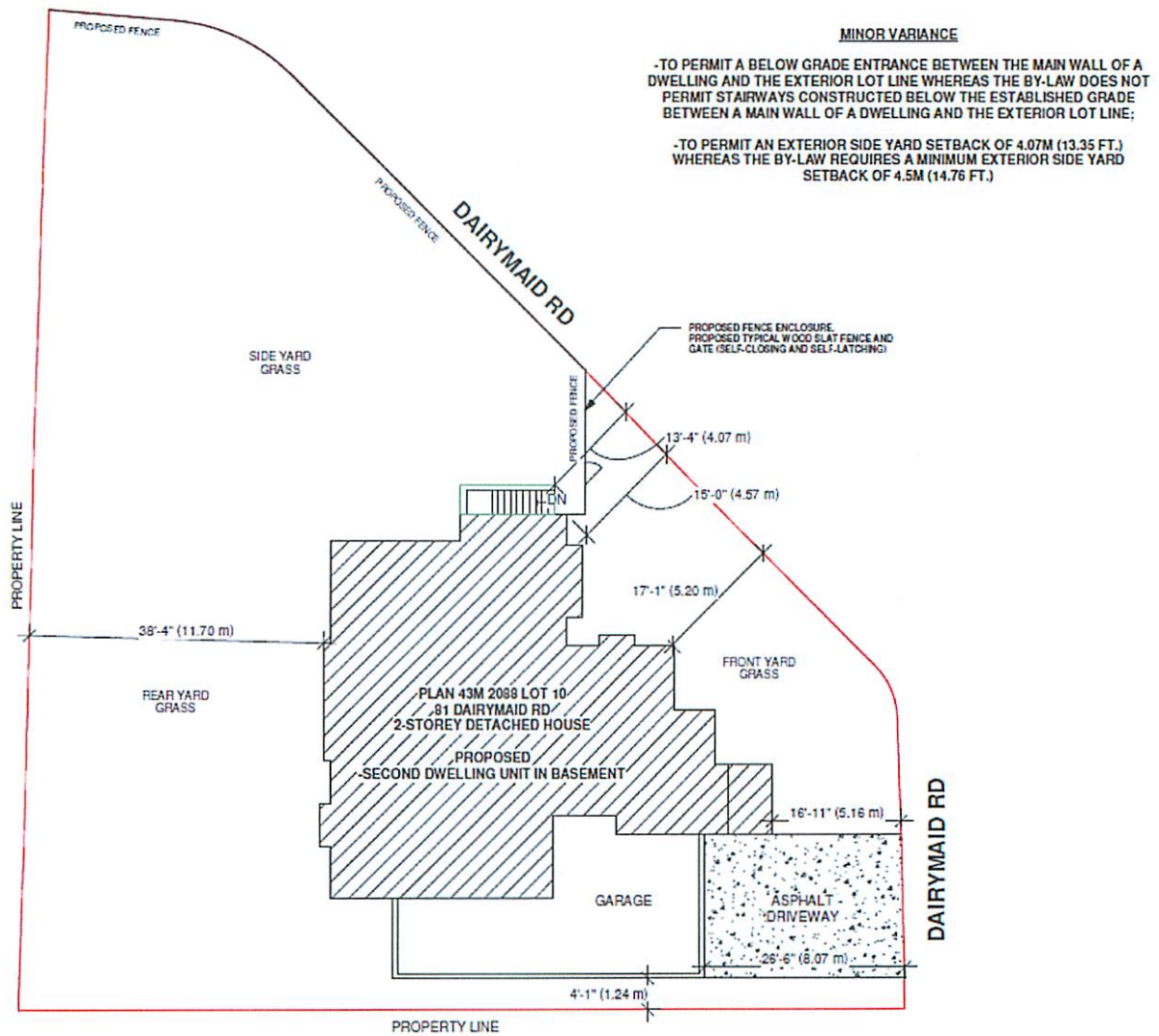
A handwritten signature in black ink, appearing to read 'Noel Cubacub', written over a horizontal line.

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Noel Cubacub  
Planner III



## Appendix A



## Appendix B:

**From:** Trevor Arndt <[tarndt@randengineering.ca](mailto:tarndt@randengineering.ca)>  
**Sent:** Thursday, September 1, 2022 2:23 PM  
**To:** Thompson, Adam <>  
**Cc:** Artur Kopycki <[akopycki@randengineering.ca](mailto:akopycki@randengineering.ca)>; John Marley <[jmarley@randengineering.ca](mailto:jmarley@randengineering.ca)>  
**Subject:** [EXTERNAL]FW: Re: CofA A-2022-0271 (81 Dairymaid Road) - Four X Ph3

**Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.**

Hi Adam,

The Builder requires a security deposit of \$20,000 from the homeowner prior to the proposed work proceeding.

Please have the homeowner contact Regal Crest Homes to make these arrangements.

Thanks,

**Trevor Arndt, P. Eng.**  
RAND Engineering Corporation  
5285 Solar Drive, Mississauga, ON L4W 5B8  
T: (905) 625-9500 x233  
F: (905) 625-8331  
E: [tarndt@randengineering.ca](mailto:tarndt@randengineering.ca)

Kind regards,

Noel Cubacub, B.URPL  
Planner III  
City of Brampton | Planning, Building and Economic Development  
T: 905.874.3417 | E: [noel.cubacub@brampton.ca](mailto:noel.cubacub@brampton.ca)



The City of Brampton is updating the current Official Plan to guide land use and development to 2051, this new Official Plan will be called the  
regarding the Official Plan review please email us at [opreview@brampton.ca](mailto:opreview@brampton.ca).

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