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DECISION/ORDER NO:

1120



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL030552

Manjit, Sarabjit and Lakhvir Bhullar have appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Committee of Adjustment of the City of Brampton which approved an application numbered A-125/03 for variance from the provisions of By-law 151-88, as amended, respecting 51 Stanwell Drive

OMB File No. V030278

APPEARANCES:

Parties

Counsel*/Agent

Manjit, Sarabjit and Lakhvir Bhullar

Manjit Singh

City of Brampton

Christine Viinberg*

MEMORANDUM OF ORAL DECISION DELIVERED BY J. FLINT ON JUNE 15, 2004 AND ORDER OF THE BOARD

Manjit and Sarabjit Bhullar own a single, detached, residential dwelling at 51 Stanwell Drive in the City of Brampton. Their son Lakhvir lives with them. The distance between their home and the next house is 2.24 metres. They constructed a below-grade door in the side of their home in contravention of the by-law that requires a separation distance between houses of 2.4 metres before a side yard door can be built. They would like to retain the door and rebuild it at grade. Their application to the City of Brampton Committee of Adjustment for permission to allow an above-grade side entrance where the distance between dwellings is 2.24 metres was approved subject to ten conditions. The Bhullars have appealed the decision only insofar as condition number one that reads:

That a restrictive covenant be registered on title within 60 days of the final date of decision to the effect that the land shall not contain a building with a side entrance and/or a stairwell leading to a basement entrance, used as access to a second dwelling unit.

Stanwell Drive is located north of Bovaird Drive between the Etobicoke Creek and Hurontario Street. The area is designated Residential in the Brampton Official Plan and zoned R2A.

At the beginning of the hearing, Mr. Singh informed the Board that a settlement had been reached between his clients and the City of Brampton (Exhibit 1). Ms Christine Viinberg, counsel for the City of Brampton, reviewed the conditions imposed by the Brampton Committee of Adjustment and outlined the resolutions that had been reached with the appellants (Exhibit 1, Schedule A). She noted that all parties signed the Minutes of Settlement.

Ms Deborah Babulal is a planner employed by the City of Brampton. She explained the planning merits of the settlement and noted that the four conditions address the City's concerns regarding a basement apartment and a drainage swale. It was her opinion that the requested variance meets the four tests of section 45(1) of the *Planning Act*, as amended, so long as the conditions requested by the City, and agreed to by the appellants, are imposed.

Mr. Singh assured the Board that the appellants fully understand the City's position. They feel that the conditions are reasonable and have agreed to fulfill them.

Based on the uncontested testimony of the City planner, the Board finds that the requested variance maintains the general purpose and intent of the Official Plan and Zoning By-law. The variance is minor and desirable for the appropriate development of the property. The Board, therefore, allows the appeal and authorizes a variance to permit an above-grade side entrance to the house at 51 Stanwell Drive subject to the conditions outlined in the Minutes of Settlement hereto attached as Attachment 1.

The Board so Orders.

Original signed by Member

J. FLINT
MEMBER

