



## Report Committee of Adjustment

**Filing Date:** February 7, 2024

**Hearing Date:** March 19, 2024

**File:** A-2024-0027

**Owner/**

**Applicant:** MOHAMMAD SHARIF BHUIYAN & SABIHA SALMA

**Address:** 68 Cutters Crescent

**Ward:** WARD 4

**Contact:** Ellis Lewis, Assistant Development Planner

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### Recommendations:

That application A-2024-0027 be refused.

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### Background:

#### Existing Zoning:

The property is zoned 'Residential Street townhouse B- Special Section 3284 (R3B- 3284)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit a 1.10 m. (3.61 ft.) wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 m. (3.94 ft.) leading to the principal entrance of an additional residential unit.

### 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 1 Residential' in the Brampton Flowertown Secondary Plan (Area 6). The requested variance is 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 be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. City Building department staff have reviewed the proposal and object to the variance due to issues related to the Ontario Building Code. The requested variance is not considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit a 1.10 m. (3.61 ft.) wide pedestrian path of travel leading to the principal entrance of an additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2m (3.94 ft) leading to the principal entrance of an additional residential unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient area to act as the primary access to an additional residential unit for both everyday and emergency purposes. While a sufficient amount of space is maintained for access to the rear yard, minimum building code requirements are not upheld as the throughfare to the basement unit cannot be properly accessed in all emergency situations. The basement occupants would need to have access to a means of egress to an open public thoroughfare (road) without re-entering the building, in instances where an emergency took place and dwellers had to evacuate. Subject to the conditions of approval, the requested variance is not 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 a path of travel that is less than what is required by the Zoning By-law. In the case of an emergency, a continuous path of travel would need to be provided as an escape for people from any point in the building. Access to an exit would have to lead to a separate building, an open space thoroughfare or an exterior open space that would be protected from fire exposure and would still have access to an open public thoroughfare. Through Staff's review of the Site Plan (Appendix B), tenants would have to exit the backyard and enter the garage to have access to Cutters Crescent. According to Building Department Staff, this proposal will not meet OBC requirements and therefore, the creation of an additional residential unit will not be feasible. Subject to the recommended conditions of approval, the variance is not considered appropriate for the development of the land.

4. Minor in Nature

While the proposed reduced path of travel in the side yard will not impact access to the rear yard, City Staff have concerns regarding the means of egress in case of an emergency. The Site Plan (Appendix B) that was submitted illustrates that a separate door and corridor located in the attached garage will operate as the path of travel to the unit that has an entrance in the rear yard of the lot. This cannot be designated as the path of travel for emergency situations as residents will have to re-enter the home.

Additional issues can occur if the newly constructed door is locked. Subject to the recommended conditions of approval, the variance is not considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Ellis Lewis, Assistant Development Planner

Appendix A:



Appendix B:

