



Report Committee of Adjustment

Filing Date: April 10, 2024

Hearing Date: May 21, 2024

File: A-2024-0108

**Owner/
Applicant:** SARBJEET KUMAR KALIA & SIMMI KALIA

Address: 48 Hockley Path

Ward: WARD 1

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0108 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the above grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties shall not be adversely affected; 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(2) - Special Section 121 (R2A(2)-121)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a 0.99 metres (3.25 feet) 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 metres (1.96 feet) 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 Residential' in the Brampton Flowertown Secondary Plan (Area 6). The 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities, while facilitating intensification throughout the Urban Growth Centre. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies.

As per the Brampton Flowertown Secondary Plan, the predominant use of land in which the subject land is generally located within is residential and collectively includes a wide range of dwelling types. Consideration is given to applications that support a variation of housing types and density policies which work within the City's guidelines, as these proposals work towards demonstrating the City's underlying housing mix.

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. The requested variance is 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 0.99 metres (3.25 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 metres (3.94 feet) 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 path of access to a second unit for both everyday and emergency objectives. The proposed path of travel will maintain the minimum acceptable width of 0.86 metres (2.82 feet) under the Ontario Building Code. The existing entrance is located adjacent to the garage and below the principal entrance to the primary unit. Given the site context, sufficient space is also provided on the northern side of the dwelling to access the rear yard of the property. The 1.26 metres (4.9 feet) path of travel that abuts this wall allows for access to the rear yard without concern surrounding the trespassing on neighbouring properties. The requested variance is 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 being sought to permit a path of travel that is less than the 1.2 metres (3.94 feet) requirement set out in the Zoning By-law. No new construction will be required to facilitate the path or construction of an entrance. This is not anticipated to negatively shape the subject property or adjacent properties. The additional residential use will work towards the development of various housing types that can accommodate a broad range of living situations. Conditions of approval are recommended that the above grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Subject to the recommended condition of approval, the requested variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 will permit a reduced path of travel to a secondary unit. The wall and door were constructed by the builder and the proposed path of travel is 0.27 metres (0.88 feet) less than what is set out in the Zoning By-law but will meet minimum the Ontario Building Code requirements. The variance is not anticipated to have significant impact on drainage or limit access to the rest of the property. Subject to the recommended conditions of approval, the requested variance is deemed minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid.

Ellis Lewis, Planner I

Appendix A:

