



Report Committee of Adjustment

Filing Date: May 16, 2024
Hearing Date: June 18, 2024

File: A-2024-0166

**Owner/
Applicant:** Abinav Ashu, Gitanjali Laghate
Manjinder Kaur

Address: 46 Newbridge Crescent

Ward: 7

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0166 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 additional residential unit;
 3. That the applicant obtain a building permit for the above grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 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 R2A(2) - Special Section 187 R2A(2) - 187', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 0.88 metre wide pedestrian path of travel leading to the principal entrance of a additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres leading to the principal entrance of an additional residential unit; and
2. To permit an above grade entrance in a side yard having a minimum width of 0.88 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres extending from the front wall of the dwelling up to and including the door.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). In relation to Council Endorsed Brampton Plan 2023, the subject property is designated as 'Residential' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 - Designations). Furthermore, the property is located within a Mature Neighbourhood.

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 variances are considered to maintain the general intent and purpose of the Official Plan. The requested variances has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential Semi-Detached R2A(2) - Special Section 187 R2A(2) - 187', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a 0.88 metre wide pedestrian path of travel leading to the principal entrance of a additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres 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 0.88 metre pedestrian path of travel leading to the primary entrance to a second unit is sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. 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. Furthermore, the variance associated with the above grade entrance is considered to maintain the general intent and purpose of the Zoning By-law as access to the rear yard is maintained on both sides of the property. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an above grade entrance in a side yard having a minimum width of 0.88 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

An above grade side door was constructed on the northwestern side wall of the dwelling. The entrance was constructed without obtaining building permits and was not part of the original design for this building. The 0.88m setback is considered to provide sufficient space for drainage and access to the rear yard the reduced setback is not considered to significantly impact secondary access to the entrance located at the side of the dwelling. The requested variance is not anticipated to pose significant concern for the subject property nor adjacent properties and it is not unordinary regarding current neighbourhood developments Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit a proposed above grade entrance in a side yard with a reduced setback and a reduced pedestrian path of travel. Despite the proposed above grade door resulting in a decreased interior side yard setback, staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and rear yard is provided. The proposed pedestrian path of travel of 0.88 metre is considered to be sufficient for everyday and emergency purposes. Conditions of approval have also been included noting that the below 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 conditions, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

The location of the proposed above grade entrance is not considered to impact access to the rear yard. The proposed location of the entrance is appropriate given the site context. Staff have determined that sufficient space is provided to allow for drainage and therefore, should not negatively impact abutting properties. Further, there are no concerns regarding access as a sufficient path of travel is maintained on the property. Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

