



Report Committee of Adjustment

Filing Date: June 6, 2024

Hearing Date: July 16, 2024

File: A-2024-0207

**Owner/
Applicant:** Harpal Singh Behan, Sukhwinder Kaur Behan
Pavneet Kaur

Address: 117 Kingknoll Drive

Ward: Ward 4

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0207 is supportable in part, 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 and in accordance with the condition 2;
 2. That Variance 1 and 2 be refused;
 3. The Owner must obtain a Road Occupancy and Access Permit from the City of Brampton's Road Maintenance and Operations Section for any construction of works within the City's road allowances;
 4. That drainage on adjacent properties shall not be adversely affected; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Staff would like to note that the above grade entrance is existing and subject to enforcement action. Enforcement staff have confirmed that the existing above grade door is the primary entrance for an unregistered secondary unit.

Existing Zoning:

The property is zoned 'Residential R1D Special Section 2592 (R1D – 2592)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing above grade entrance in an interior side yard having a minimum width of 0.61 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the interior side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door;
2. To permit a 0.61 metre wide 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 leading to the principal entrance of an additional residential unit; and
3. To permit a driveway width of 7.67 metres, whereas the by-law permits a maximum driveway width of 7.0 metres.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and "Low Medium Density Residential" within the Fletcher's Creek Secondary Plan (Area 24). Variance 1 requesting to permit a proposed above grade entrance in an interior side yard having a minimum width of 0.61 metres extending from the front wall of the dwelling up to the door, and Variance 2 requesting a 0.61 metre pedestrian path of travel leading to the principal entrance of an additional residential unit do not provide sufficient space 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. The variances would fail to comply with minimum OBC requirements and therefore, are not maintaining the intent and purpose of Official Plan. Staff believe based on the ongoing enforcement action on this property that the intent is to maintain the entrance for the purposes of a main entrance to the unregistered secondary unit.

Variance 3 requests to permit a driveway width of 7.67 metres, whereas the by-law permits a maximum driveway width of 7.0 metres. Variance 2 is not considered to have significant impacts within the context of the Official Plan policies.

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

Variance 1 requested to permit a proposed above grade entrance in an interior side yard having a minimum width of 0.61 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the interior side yard within which the door is located has a minimum width of 1.2 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door and Variance 2 requesting a 0.61 metre pedestrian path of travel leading to the principal entrance of an additional residential unit are not found to be reasonable nor adequate to provide safe and easy access for emergency and everyday use. Furthermore, upon staff review, the City's Building department has advised that a permit would not be issued for a legal second unit given the noncompliance with the requirements of the Ontario Building Code. Staff note that should the committee approve the requested variances, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as the primary entrance to a secondary unit, an alternate primary entrance to the secondary unit must be provided. The variance does not maintain the general intent and purpose of the Zoning By-law.

Variance 3 requests to permit a driveway width of 7.67 metres, whereas the by-law permits a maximum driveway width of 7.0 metres. The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and to limit an excessive number of vehicles that can be parked in front of the dwelling.

As per the staff site visit, Staff are of the opinion that the current layout of the lot does not allow an excessive number of cars to be parked in front of the dwelling. Subject to the recommended conditions of approval, Variance 2 maintains the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

While staff recommend the refusal of variance 1 and 2 due to the City's Building department's acknowledgement that a permit would not be issued for a legal second unit given the noncompliance with the requirements of the Ontario Building Code. Staff note that should the committee approve the requested variances, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as the primary entrance to a secondary unit, an alternate primary entrance to the secondary unit must be provided. Variances 1 and 2 are not considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit a driveway width of 7.67 metres whereas the by-law permits a maximum driveway width of 7.0 metres. Given the configuration of the driveway, it is not anticipated that there would be sufficient space for additional vehicles to park in front of the main entrance of the dwelling. Subject to the recommended conditions of approval Variance 3 is desirable for the appropriate development of the land.

4. Minor in Nature

Staff recommend that Variances 1 and 2 be refused. The inability for a permit to be issued for a legal second unit based on the noncompliance with the requirements of the Ontario Building Code and the ongoing enforcement action allows staff to form the opinion that the variance is not considered to be minor in nature.

Variance 3 requesting to permit a driveway width of 7.67 metres, whereas the by-law permits a maximum driveway width of 7.0 metres is not considered to facilitate an excessive number of vehicles to be parked in front of the dwelling. The widened driveway is not anticipated to have negative impacts on drainage. Variance 3 is considered to be minor in nature.

Respectfully Submitted,

Emily Mailling, Planning Technician

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Site Visit Photos

