



Report Committee of Adjustment

Filing Date: June 7, 2024

Hearing Date: July 16, 2024

File: A-2024-0213

**Owner/
Applicant:** **Soni Rose Mathew & Rony Kandathimakal Baby**

Address: **201 Bufford Drive**

Ward: WARD 3

Contact: Hayden Poon, Planning Technician

Recommendations:

That application A-2024-0213 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 proposed above grade entrance not be used as a principal entrance for an Additional Residential Unit;
 3. That the applicant obtains a building permit for the existing above-grade entrance in the side yard 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; 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 Single Detached D (R1D)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing above grade entrance in a side yard having a minimum width of 0.93 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 (3.94 feet.) 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 Residential' in the Brampton Flowertown Secondary Plan. In relation to Council Endorsed Brampton Plan 2023, the subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 – Designations). The requested variance 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 variance is requested to permit an existing above grade entrance in a side yard having a minimum width of 0.93 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 (3.94 feet.) extending from the front wall of the dwelling up to and including the door. 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 a second unit for both everyday and emergency purposes.

The applicant has indicated that the existing above grade entrance will not be used for an Additional Residential Unit. Everyday and emergency access can still be made through the main entrance at the front of the building. Conditions of approval are recommended that the proposed above grade entrance not be used as a principal entrance for an Additional Residential Unit, and that the applicant obtains a building permit within 60 days of the decision of approval. Subject to the recommended 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 variance is requested to permit an existing above grade entrance in a side yard having a minimum width of 0.93 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 (3.94 feet.) extending from the front wall of the dwelling up to and including the door. The above grade entrance is not anticipated to negatively impact nor cause privacy concerns for adjacent property's backyards. Subject to the recommended conditions of approval, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit an existing above grade entrance in a side yard having a minimum width of 0.93 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 (3.94 feet.) extending from the front wall of the dwelling up to and including the door. Conditions of approval are recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the location of the above grade entrance is consistent with what is presented in this application and the proposed above grade entrance not be used as a principal entrance for an Additional Residential Unit. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Hayden Poon

Hayden Poon, Planning Technician

Appendix A:

