



Report Committee of Adjustment

Filing Date: July 19th, 2024
Hearing Date: August 20th, 2024

File: A-2024-0264

**Owner/
Applicant:** 2413605 Ontario Inc.
Abhay Vaid

Address: 36 Bevington Road.

Ward: WARD 8

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0264 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 below grade entrance shall not be used to access an unregistered second unit;
 3. 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 Special Section 2014 (R1D -2014)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a 0.96 metre 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 metre 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 2006 Official Plan and 'Low/Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44). The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

As stated in Official Plan Section 3.2.8.2(ii), a second unit must comply with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. The requested variance is not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed 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

The variance is requested to permit a 0.96 metre 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 metre leading to the principal entrance of an additional residential unit. The intent of the by-law in requiring a minimum path of travel of 1.2m is to ensure that there is sufficient area to act as the primary access to a second unit for both every day and emergency purposes.

The variance is required to facilitate the construction of a below grade entrance located along the rear wall of the dwelling. A limited portion of the path of travel is reduced to 0.96 metres in width due to the existing front porch. Building Staff have reviewed the application and have no objections to the proposed path of travel as it will comply with minimum Ontario Building Code requirements. The location of the entrance and path of travel width is considered sufficient for everyday and emergency purposes. 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 facilitate a reduced path of travel leading to the principal entrance to a second unit. The reduced path of travel is not considered to significantly impact everyday use as sufficient space is provided. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, the variance is not anticipated to generate negative impacts on-site or off-site and is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to facilitate the use of a second unit by allowing the reduced path of travel. The reduced path of travel of 0.96 metre is not considered to significantly limit everyday use and provide sufficient space for emergency responders. Subject to the recommended conditions of approval, the variance is considered to be minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A

