



## Report Committee of Adjustment

**Filing Date:** July 16<sup>th</sup>, 2024  
**Hearing Date:** August 20<sup>th</sup>, 2024

**File:** A-2024-0266

**Owner/  
Applicant:** SARVJEET SINGH, MANMEET KOUR & SIMARDEEP KOUR

**Address:** 17 HEATHWOOD DRIVE

**Ward:** WARD 6

**Contact:** Paul Brioux, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0266 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
  2. That drainage on adjacent properties shall not be adversely affected;
  3. That the above grade entrance shall not be used to access an unregistered second unit;
  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 - Special Section 1018 (R1D-1018)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 1.17m 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 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door; and

2. To permit a 1.17m 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 1.2m leading to the principal entrance of an additional residential unit.

### **Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan, and further designated 'Low / Medium Density Residential' in the Fletchers Meadow Secondary Plan (Area 44). The subject property is also designated as 'Community Areas' and 'Urban Centres' (Schedule 1A – City Structure) and 'Neighbourhoods' (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. Variances 1 and 2 are 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 proposed above grade entrance in a side yard having a minimum width of 1.17m 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 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained. The proposed exterior stairway leading to an above grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of space for access is maintained on the opposite side of the property. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a 1.17m 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 1.2m 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 access to a second unit for both everyday and emergency purposes. A reduction to a 1.17m path of travel would allow the entrance to be accessed for emergency purposes as it is over the minimum standards as outlined in the Ontario Building Code (OBC). Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The requested first variance is to facilitate a proposed entrance within side yard having a minimum width of 1.17m 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 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door. Conditions of approval noting that the above grade entrance shall not be used to access a registered or unregistered second unit and that drainage on the adjacent properties shall not be adversely affected have been included. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

The requested second variance to facilitate a reduced pedestrian path of travel leading to the principal entrance meets minimum OBC requirements is considered to not negatively impact access. Variance 2 is considered appropriate for the 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 and the proposed location of the above grade entrance is appropriate given the site context. The requested variance to permit a reduced path of travel to a principal entrance is also considered to be minor in nature and does not pose risk for emergency access.

Subject to the recommended conditions of approval, variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

*Paul Brioux*

Paul Brioux, Assistant Development Planner