



## Report Committee of Adjustment

**Filing Date:** November 29, 2024

**Hearing Date:** January 28, 2025

**File:** A-2024-0447

**Owner/**

**Applicant:** Prabhdeep Singh Lubana and Avinash Kaur

**Address:** 155 Richvale Drive South

**Ward:** WARD 2

**Contact:** Courtney Sutherland, Assistant Development Planner

---

### **Recommendations:**

That application A-2024-0447 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 the applicant obtain a building permit for the above grade entrance and below grade window 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
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

#### Existing Zoning:

The property is zoned "Residential Single Detached D Special Section 358 (R1D-358)," 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 a side yard having a minimum width of 0.94 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;
2. To permit a 0.94 metres 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
3. To permit a below grade window in a side yard having a width of 0.94 metres, whereas the by-law does not permit a below grade window in a side yard having a width less than 1.2 metres.

### **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Snelgrove-Heart Lake Secondary Plan (Area 1).

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.

The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses, as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities while facilitating intensification. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies.

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. As for the constructed below grade window, Ontario Building Code Div. B, 9.10.15.4.(4) requires openings in a wall having a limited distance of less than 1.2 metres to be by a closure, of other than wired glass or glass block, whose fire-protection rating is in conformance with fire-resistance rating for the wall.

The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances 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 an existing above grade entrance in a side yard having a minimum width of 0.94 metres (3.08 feet) 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 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 0.94 metres (3.08 feet) 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 metres (3.94 feet) 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 purposes. The proposed path of travel will maintain the minimum 0.86 metres (2.82 feet) Ontario Building Code requirement and sufficient space is also provided on the eastern side of the dwelling. The opposite side of the dwelling accommodates a 1.26 metres (4.13 feet) path of travel for access to the rear yard without concern surrounding the trespassing on neighbouring properties. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a below grade window in a side yard having a width of 0.94 metres (3.08 feet), whereas the by-law does not permit a below grade window in a side yard having a width less than 1.2 metres (3.94 feet). The intent of the by-law in prohibiting a below grade window in the side yard where the side yard width is less than 1.2m (3.94 feet) is to ensure that drainage will not be impacted on the subject property or adjacent lands and to limit privacy concerns. It is also intended to ensure that portions of buildings maintain adequate separation between adjacent lots. Staff are of the opinion that the below grade window will not have any adverse impacts on drainage. Subject to the conditions of approval, Variance 3 maintains the general intent and purpose of the Zoning By-law.

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

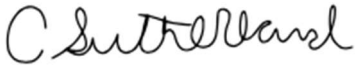
Variance 1 is requested to permit an existing above grade entrance within side yard having a minimum width of 0.94 metres (3.08 feet) extending from the front wall of the dwelling up to the door. Variance 2 is being sought to permit a 0.94 (3.08 feet) metres pedestrian path of travel, which is less than the 1.2 metres (3.94 feet) requirement set out in the Zoning By-law. The additional residential unit will contribute towards the development of various housing types that can accommodate a broader range of living situations. Conditions of approval noting that the above grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected

have been included. Variance 3 seeks to permit a below grade window in the side yard as they do not meet the 1.2 metres width requirement. As the opening has been constructed, an additional condition is recommended to ensure that the owner obtains building permits and confirm that fire protection standards are achieved. The requested variances are not anticipated to negatively affect the subject property or adjacent properties. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are deemed desirable for the appropriate development of the land.

#### 4. Minor in Nature

The location of the proposed above grade entrance and the proposed location of the below grade window is not considered to impact access to the rear yard and are appropriate given the site context, and residents will not need to trespass on neighbouring lots. Variance 2 will permit a reduced path of travel to a secondary unit. The existing door was previously constructed and the path of travel is 0.26 metres (0.85 feet) less than what is set out in the Zoning By-law; however, it does meet the Ontario Building Code requirements. These variances are not anticipated to have significant impact on drainage or limiting access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, Variances 1, 2 and 3 are deemed minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'C. Sutherland', written in dark ink.

---

Courtney Sutherland, Assistant Development Planner

## Appendix 1: Site Photos

