



## Report Committee of Adjustment

**Filing Date:** December 11<sup>th</sup>, 2024

**Hearing Date:** February 25<sup>th</sup>, 2025

**File:** A-2024-0374

**Owner/  
Applicant:** HENRY WILSON  
DANIEL ALLAN

**Address:** 52 Donna Drive

**Ward:** WARD 2

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

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### **Recommendations:**

That application A-2024-0374 be refused.

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### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Townhouse – Special Section 314 (R3A-314)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a 0.98 metres 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 leading to the principal entrance of an additional residential unit.
2. To permit an above grade door in a side yard having a width of 0.0 metre from the front wall of the dwelling up to and including the door, whereas the by-law requires the side yard within which the door is located having a minimum width of 1.2 metres extending from the front wall of the dwelling up to and including the door.

3. To permit an interior side yard setback of 0.98 metres to existing and proposed below grade windows, whereas the by-law does not permit below grade windows where the interior side yard width is less than 1.2 metres.
4. To permit 0.0 metre setback to the landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres (2.95 ft.) to any steps (or landings) in the interior side yard.
5. To permit a total of 1 parking space, whereas the by-law requires a minimum 2 parking spaces for one additional residential unit.

### **Current Situation:**

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

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 subject property is designated 'Residential' in the Official Plan, and further designated 'Medium Density Residential' in the Snelgrove-Heartlake Secondary Plan (Area 1). The requested variances are considered to have significant impacts within the context of the Official Plan policies. 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. As per the Building Department's review of the application, an additional residential unit would not meet Ontario Building Code requirements for the provision of adequate means of egress. The sketch depicts a path of travel requiring re-entry into the building before accessing the principal entrance of the addition residential unit. The building department has advised that this configuration would not comply with OBC requirements and will impact the ability to obtain building permits for an additional residential unit.

Variances 1, 2, 3, 4, and 5 are not 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 0.98m 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 0.98m path of travel would not allow the entrance to be accessed for emergency

purposes as access to an additional dwelling unit would be through the garage which cannot be guaranteed as a means of egress.

Variance 2 is requested to permit an above grade entrance in a side yard having a minimum width of 0.0m 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.

Variance 3 is requested to permit an interior side yard setback of 0.98 metres to existing and proposed below grade windows, whereas the by-law does not permit below grade windows where the interior side yard width is less than 1.2 metres. The intent of the Zoning By-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line.

Variance 4 is requested to permit a 0m setback to the landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9m (2.95 ft.) to any steps (or landings) in the interior side yard. 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 and sufficient space is provided for drainage.

Variances 2, 3, and 4 are considered to restrict the ability to access the rear yard as an adequate amount of space for access is not provided on either side of the property.

Variance 5 is requested to permit a total of 1 parking space whereas the by-law requires a minimum of 2 parking spaces. The intent of the By-law in requiring a minimum amount of parking spaces for a residential dwelling is to ensure parking needs are met for the dwelling ensuring that overflow of vehicles are not offloaded onto City streets. The resulting parking space dimension has been reviewed by Traffic Services staff and is not considered sufficient for minimum parking requirements for residential dwellings. The residential dwelling would have one available parking space to meet the needs of the existing and future residents.

Given these standards the proposed variances are not considered to maintain the general intent of the Zoning By-law.

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

The requested first variance to facilitate a reduced pedestrian path of travel leading to the principal additional residential unit is not considered to be desirable due to the inability for emergency access to the entrance. The first requested variance is not considered desirable for the development of the land.

The requested second variance is to facilitate an entrance within the side yard having a minimum width of 0.0m 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 second variance

would restrict the ability to access the rear yard is not considered desirable. Similarly, the third and fourth variance for reduced setbacks would negatively affect the ability to access the rear yard and are not considered desirable.

Variance 5 is proposed to permit a total of 1 parking space whereas the by-law requires a minimum of 2 parking spaces. The reduction in parking has been reviewed by Traffic Services Staff and is not considered to provide a sufficient amount of parking for the site. Planning staff are of the opinion that the minimum requirement of two parking spaces should be maintained on the property in perpetuity. Due to the insufficient amount of prescribed parking spaces for the existing dwelling the variance is not considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variances are proposing to assist in the facilitation of an above grade entrance which will lead to an additional residential unit. The design and location of the above grade entrance is considered to negatively impact everyday use of the property. Access to the entrance is contrary to OBC means of egress requirements, access to the rear yard is negatively impacted and a variance to reduced the required parking would result in an insufficient amount of parking for current and future use of the site.

Due to these concerns staff note that the variances are not considered to be minor in nature and it is recommended that it be refused.

Respectfully Submitted,

*Paul Brioux*

Paul Brioux, Assistant Development Planner

# Appendix A:

