



## Report Committee of Adjustment

**Filing Date:** December 20<sup>th</sup>, 2024  
**Hearing Date:** February 25<sup>th</sup>, 2025

**File:** A-2024-0483

**Owner/Applicant:** Harjot Singh, Nitika Kalia:

**Address:** 81 Drake Blvd

**Ward:** Ward 7

**Contact:** Marina Shafagh, Planner I, Development

---

### **Recommendations:**

That application A-2024-0483 is supportable in part, subject to the following conditions being imposed:

1. That the extent of the variances 1 and 2 be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the Variance 3 be refused;
  3. That the below grade entrance shall not be used to access an unregistered second unit;
  4. That drainage on adjacent properties not be impacted; 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 Second Density – Type A (Multiple Townhouses) - R2A(1)-100, according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard.
2. To permit an interior side yard setback of 2.06m to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 3m.
3. To permit a 0.83m 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 property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Bramalea Secondary Plan (Area 3).

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 be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. Variance 3 requests to reduce the path of travel leading to the principal entrance of an Additional Residential Unit below the minimum requirements of the Ontario Building Code. Therefore, staff do not support Variance 3 and recommend that the applicant explore alternative parking driveway configuration in the front yard which will eliminate the need for the variance. The requested variances 1 and 2 are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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**

Variances 1 is requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 2.06m to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 3m. The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring minimum setback is to ensure that that sufficient space is maintained for drainage and access to the rear yard.

The proposed location and configuration of the entrance will not affect access to the rear yard. Access to the rear yard will be maintained on the property. Engineering staff have reviewed the proposal and are of the opinion that drainage is not impacted. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested to permit a 0.83m 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 path of access to a second unit for both everyday and emergency purposes.

The comments from Building Department staff demonstrate that a 0.83-meter path of travel width is not sufficient for the required egress path to a public thoroughfare leading to the entrance of an additional residential unit, as per the Ontario Building Code requirements. As such, the proposed side entry will not be approved as the primary entrance to a second dwelling unit during the building permit stage. However, following discussions between the building staff and the applicant, it was agreed that the applicant may explore alternative solutions outside of the Minor Variance process to address the path of travel deficiency, bringing it into compliance with the Ontario Building Code and satisfying the Building Department to facilitate the construction of the below-grade entrance. Nonetheless, the proposed variance 3 is not considered to maintain the general intent of the Zoning By-law.

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

The requested variances are intended to facilitate the construction of a below grade entrance to be located within a required interior side yard which is intended to be used as an entrance to a second unit within the dwelling. A condition of approval is recommended that the below grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code. Subject to the recommended conditions, the variances 1 and 2 are considered to be desirable for the appropriate development of the land.

However, variance 3 to permit a 0.83m wide pedestrian path of travel leading to the principal entrance of an additional residential unit does not provide sufficient space for an unobstructed path for everyday use and emergency purposes. Nor does it meet the minimum requirement of the Ontario Building code. Therefore, variance 3 is not considered to be desirable for the appropriate development of the land.

Following discussions between the Building and Planning staff, the applicant will have the opportunity to explore alternative options to bring the variance into compliance with the Zoning By-law, outside of the Minor Variance process, thereby facilitating the construction of the below-grade entrance for access to the additional residential unit.

### 4. Minor in Nature

The requested variances are intended to facilitate a below grade entrance to a secondary unit within the interior side yard of a residential property. The location of the entrance does not present any concerns with regards to drainage for the subject property or adjacent properties and sufficient space

to the rear yard is maintained, subject to the recommended conditions of approval, the variances 1 and 2 are considered to be minor in nature.

Variance 3 to permit a 0.83m wide pedestrian path of travel leading to the primary entrance of an additional residential unit does not provide enough space for an unobstructed path for everyday use and emergency purposes. Additionally, the proposed path of travel does not meet the Ontario Building Code's minimum requirements. As a result, variance 3 is not considered to be minor in nature.

However, based on conversations between the Building and Planning staff, the applicant can consider other options to ensure the variance complies with the Zoning By-law and facilitate the construction of the below-grade entrance for accessing the additional residential unit.

Respectfully Submitted,

*Marina Shafagh*

---

Marina Shafagh  
Planner I, Development

Appendix A

