



Report Committee of Adjustment

Filing Date: April 9, 2025

Hearing Date: May 27, 2025

File: A-2025-0040

**Owner/
Applicant:** **Brilliant Big Data Services Inc.
Askanksha Sharma**

Address: **30 Abercrombie Crescent**

Ward: Ward 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2025-0040 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. The owner shall obtain a building permit, 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;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That drainage on adjacent properties not be adversely affected; and
 5. 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 1099 (R1F-SS 1099)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 1.09 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; and
2. To permit an existing deck having a rear yard setback of 2.75 metres, whereas the by-law requires a rear yard setback of 3.5 metres for a deck off the main floor.

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 property is designated 'Residential' in the Official Plan and 'Low / Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan and maintains 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 1.09 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 1.2 metre width between the front wall of the dwelling up to and including the door and 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 every day and emergency purposes.

The reduced path of travel is not anticipated to significantly limit access to the entrance and is considered to be appropriate for both daily and emergency use while complying with minimum Ontario Building Code regulations.

Variance 2 is requested to permit an existing deck having a rear yard setback of 2.75 metres, whereas the by-law requires a rear yard setback of 3.5 metres for a deck off the main floor. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property.

The location and the configuration of the existing deck relative to the lot size and surrounding size ensures that the reduction in the rear yard setback will not generate massing and privacy impacts as the existing deck maintains sufficient distance between neighboring properties. Additionally, the subject property still maintains sufficient amenity space in the rear yard. The reduced rear yard setback is not anticipated to generate massing or privacy concerns and is considered to be appropriate. Subject to the recommended conditions of approval, the variances are considered to maintain 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 a 1.09 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 variance is not considered to have negative impacts on the property of adjacent properties. A condition of approval is recommended that the primary entrance to the second unit shall not be used to access an unregistered second unit.

Variance 2 is requested to permit an existing deck having a rear yard setback of 2.75 metres, whereas the by-law requires a rear yard setback of 3.5 metres for a deck off the main floor. Given the size of the rear yard and the configuration of the existing deck, the existing deck is not anticipated to limit the overall provision of amenity space or cause negative visual impacts. Subject to the recommended conditions, the variances are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance for the reduced path of travel is not considered to have significant impact on drainage or limit everyday use and access to the property. The second variance relating to the existing deck is not anticipated to negatively impact the function of the rear yard amenity space. Privacy concerns are mitigated as the deck maintains the interior side yard setback requirements to the neighbouring properties. Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

