



Report Committee of Adjustment

Filing Date: August 6, 2021
Hearing Date: September 14, 2021
File: A-2021-0178
**Owner/
Applicant:** ZAHID ASLAM AND RABIA RAFIQUE
Address: 11 Salem Court
Ward: WARD 1
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0178 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 vegetation in the front yard located in the path of travel be removed or relocated to provide sufficient space to access the side yard;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the above grade entrance shall not be used to access an unregistered second unit;
 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 Semi-Detached A (R2A(2)-465) and (R2A(2)-283)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an above grade side door having an interior side yard setback of 1.02m (3.35 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) from an interior side yard to an above grade door;
2. To permit a path of travel of 1.02m (3.35 ft.) to the primary entrance to a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second 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 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The nature and extent of the proposed variances, subject to the recommended conditions of approval, 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 above grade side door having an interior side yard setback of 1.02m (3.35 ft.) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) from an interior side yard to an above grade door. Variance 2 is requested to permit a path of travel of 1.02m (3.35 ft.) to the primary entrance to a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit. The intent of the By-law in requiring minimum side yard setbacks is to maintain access to the rear of the property and for the privacy of the neighbouring property. Furthermore, a minimum path of travel is required to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

The variances relate to a proposed above grade side door entrance leading to the basement of the dwelling to accommodate a second unit. The variances represent a 0.18m (0.59 ft.) reduction from what the by-law permits in terms of minimum interior side yard setbacks and reduced path of travel. The remaining 1.02m (3.35 ft.) proposed path of travel and setback is considered to be sufficient area to act as the primary access to a second unit for both everyday and emergency purposes. Additionally, access to the rear of the property is maintained from the other side of the dwelling. The requested variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to facilitate the construction of an above grade door entrance leading to a second unit. The dwelling is setback 1.02m (3.35 ft.) and the variances are sought to locate the door at the side of the dwelling. The location of the door and reduced path of travel is not anticipated to negatively impact the property or the adjacent property. Currently, the path of travel is obstructed due to vegetation along the side yard near the main entrance of the dwelling. A condition of approval is recommended that vegetation in the front yard located in the path of travel be removed or relocated

to provide sufficient space to access the side yard. Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The applicant is requesting permission to allow an above grade side door having a reduced interior side yard setback along with a reduced path of travel to the primary entrance to a second unit. Subject to the recommended conditions of approval, the variances are not expected to create negative impacts as sufficient space is maintained for everyday and emergency purposes. The variances are deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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