



Report Committee of Adjustment

Filing Date: November 1, 2023
Hearing Date: December 19, 2023

File: A-2023-0340

**Owner/
Applicant:** Pramod Kumar
Manjinder Kaur

Address: 48 Broad Oak Court

Ward: Ward 4

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2023-0340 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. The owner shall obtain a building permit within 60 days of the decision of approval or extended 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 should not be adversely affected;
 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 (R1D)', 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 interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 0 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres; and
3. To permit a 0.9 metre-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.

Current Situation:

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

The property is designated 'Residential' in the Official Plan. 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 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 side yard. Variance 2 is requested to permit an interior side yard setback of 0m to a proposed exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). Variance 3 is requested to permit a 0.9m (2.95 ft.) 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 (3.94 ft.) leading to the principal entrance of an additional residential unit.

Upon review of the application by the City's Building staff, the proposed 0.9m path of travel leading to the primary entrance to a second unit is sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. 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. The intent of the by-law in prohibiting an exterior stairway to a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still allowing access to the rear yard.

When completing a review to determine whether the location of a below grade entrance and resulting interior side yard setback are appropriate, Staff look to ensure that its location will not contribute to disturbance onto adjacent properties by way of drainage or access. Despite the setback being reduced to 0 metre, access to the rear yard is maintained as the design of the below grade entrance will not impede travel to the rear yard due to the continuous path that is presented. Two step risers are proposed on either side of the entrance which eliminates the need to trespass onto the neighbours' property. Subject to the conditions of approval, Variances 1, 2, and 3 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 an exterior stairway leading to a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit an interior side yard that is less than what is required by the Zoning By-law. Variance 3 is requested to permit a 0.9-metre-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. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and rear yard is provided due to the construction of two step risers on either side of the entrance. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are appropriate for the development of the land.

4. Minor in Nature

The proposed location of the below grade entrance, reduced interior side yard setback, and reduced pedestrian path of travel are not considered to impact access to the rear yard. The location of the proposed below grade entrance to access the house is appropriate given the site context. The requested variances are not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, variances 1, 2, and 3 are deemed minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

