



Report Committee of Adjustment

Filing Date: November 03, 2023

Hearing Date: December 19, 2023

File: A-2023-0342

**Owner/
Applicant:** Dona Leelamani Weeratne, Ajanta Jaynath Weeraratna
Pavneet Kaur

Address: 28 Little Britain Crescent

Ward: Ward 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2023-0342 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Special Section 2416 (R1E-11.6 – 2416)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a 0.64m (2.1 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.
 - Staff note a discrepancy with the noted measurement included in the public notice for the variance, however, the attached drawings did include the accurate measurement of 0.64m (2.1 ft.) and was reviewed as such. Therefore, staff support the notion that adequate public notice was given supported by the attached site plan.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and "Low/Medium Density" within the Bramwest Secondary Plan (Area 40d). The variance is requested to permit a reduced pedestrian path of travel leading to the principal entrance of an additional residential unit. Upon review of the application by the City's Building staff, the proposed 0.64m path of travel leading to the primary entrance to a second unit is not 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 variance would fail to comply with minimum OBC requirements and therefore, is not maintaining the intent and purpose of Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit a 0.64m path of travel leading to the principal entrance for a second unit whereas the by-law requires an unencumbered side yard width of 1.2m to be provided as a path of travel from the front yard to the entrance to the second unit. The intent of the by-law in requiring a minimum 1.2m (3.94 ft.) 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.

In relation to the variance, a proposed path of travel measuring 0.64m is not found to be reasonable nor adequate to provide safe and easy access for emergency and everyday use. Furthermore, upon staff review, the City's Building department has advised that a permit would not be issued for a legal second unit given the non compliance with the requirements of the Ontario Building Code. Staff note that should the committee approve the requested variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as the primary entrance to a secondary unit, an alternate primary entrance to the secondary unit must be provided. The variance does not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Staff recommend that the variance to permit a 0.64m (2.1 ft) wide pedestrian path of travel leading to the principal entrance of an additional residential unit be refused. The applicant is to be aware that the proposed above grade door in the side wall will not be permitted to be used as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a second dwelling unit, as per the Ontario Building Code (OBC). The variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Staff recommend that the variance to permit a 0.64m (2.1 ft) wide pedestrian path of travel leading to the principal entrance of an additional residential unit be refused. The proposed path of travel fails to comply with the minimum requirements of the OBC and therefore, the variance is not considered to be minor in nature.

Respectfully Submitted,

Emily Mailling, Planning Technician

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Site Visit Photos

