



## Report Committee of Adjustment

**Filing Date:** November 17, 2023  
**Hearing Date:** December 19th, 2023

**File:** A-2023-0369

**Owner/  
Applicant:** JASVIR SARANIA & PRABHSIMRAN SARANA

**Address:** 7 Kambalda Road

**Ward:** WARD 6

**Contact:** Ellis Lewis, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0369 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. That drainage on adjacent properties shall not be adversely affected;
  3. That the above grade entrance shall not be used to access a registered or unregistered second unit; and
  4. 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 F-Special Section 2556 (R1F-2556)', according to By-law 270-2004, as amended.

### Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 0.65m (2.01 ft) extending from the front wall of the dwelling up to the door whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2m (3.94 ft) extending from the front wall of the dwelling up to and including the door.

### **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 Residential' in the Mount Pleasant Secondary Plan (Area 51). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. As stated in Official Plan Section 3.2.8.2 (ii), a second unit must comply with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. While staff are supportive of the requested variance, it is noted that it will not be suitable for the primary access to a secondary suite if it would fail to meet minimum Ontario Building Code requirements. A condition of approval is recommended that the above grade entrance shall not be used to access a registered or unregistered second unit. The requested variance is considered to maintain the general intent and purpose of the Official Plan.

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

The requested variance seeks to permit an above grade door in the side wall where the minimum side yard width would be 0.65m (2.01 ft) whereas the by-law does not permit an above grade door in a side wall unless there is a minimum width in the side yard of 1.2m (3.94 ft). The intent of the by-law in prohibiting an above grade door in the side wall and requiring a minimum side yard width is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard and preventing an encroachment on neighbouring property. In this case, the configuration of the above grade entrance will ensure that a 0.65m (2.01 ft) continuous path of travel exists through the interior side yard to the rear yard. Despite the reduction of the side yard width between the side door entrance and the property line, the proposed design will not result in a situation where homeowners will need to encroach onto neighbouring property. As previously noted, 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. Subject to the conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

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

The requested variance seeks to permit an above grade door in the interior side yard and to permit a reduction to the interior side yard setback. Despite the decreased setback of the interior side yard, Staff are satisfied that the proposal and entrance configuration are appropriate as an unobstructed path of

travel will be maintained, thereby limiting concern for encroachment on adjacent parcels. An additional path of travel is also provided on the opposite side of the home which is 1.23m wide (4 ft). The applicant has confirmed that the reduced side yard setback is not intended to be used as a pathway to an additional residential unit. This has been considered in the conditions of approval as the above grade entrance shall not be used to access a registered or unregistered second unit. Subject to the recommended conditions of approval, Staff are of the opinion that the requested variance is appropriate for the development of the land.

#### 4. Minor in Nature

The location of the proposed above grade door and reduced interior side yard setback are not considered to impact access to the rear yard. Since alternate paths of travel are available, residents will not need to trespass on adjacent lots. The application has been reviewed by Staff and they are of the opinion that neighbouring properties should not be negatively impacted by the proposal. There are also no negative impacts to drainage or access are anticipated. The requested variance is considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Assistant Development Planner

**Appendix A:**

