



Report Committee of Adjustment

Filing Date: May 2, 2023
Hearing Date: May 30, 2023

File: A-2023-0141

**Owner/
Applicant:** GURPREET SINGH AND RAJDEEP SANDHU

Address: 43 Spicebush Terrace

Ward: WARD 5

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0141 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 drainage on adjacent properties should not be adversely affected;
 3. The above grade entrance shall not be used to access an 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 Semi-Detached A- Special Section 1308 (R2A-1308)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a landing with a height of 0.81 metres (2.66 ft.) with a maximum length and width of 0.9 metres. (2.95 ft.) serving the principal entrance to a second unit whereas the by-law requires the landing serving a primary entrance to a second unit have a maximum height of 0.6m. (2 ft.) with a maximum length and width of 0.9 metres (2.95 ft.); and

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 2 Residential' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are considered to 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 a landing which will serve as the primary entrance to a second unit in the required interior side yard with a height of 0.81 metres whereas the by-law permits a maximum landing height of less than 0.6 metres for a landing in the required interior side yard which serves as a second unit. The intent of the by-law in prohibiting an exterior stairway to an above grade entrance in the interior side yard is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard. Height and width of the landing are also regulated to ensure that residents can enter and exit the home safely, limiting risk of injury.

The landing will be positioned 0.21 metres (0.68 ft.) higher than what is currently permitted. Staff look to ensure that the location of the below grade entrance and reduced side yard setback will not contribute to trespassing onto adjacent properties. The construction of three step risers on each side of the entrance decrease the potential for injury. City Engineering Staff have reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, Variance 1 is 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 landing with a height of 0.81 metres for a primary entrance to a second unit whereas the height that is permitted for a landing is 0.6 metres. Despite the above grade entrance resulting in a reduction to the interior setback requirements set out in the Zoning By-law, Staff are also 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 three step risers on each side of the entrance. Conditions of approval have also been included noting that the above grade entrance shall not be used to access an unregistered second unit. Given the context of the site, Staff are of the opinion that the stairs will be appropriately located. Subject to the recommended conditions of approval, Variance 1 is considered appropriate for the development of the land.

4. Minor in Nature

The proposed location of the above grade entrance and height of the landing are not considered to impact access to the rear yard as residents will not need to encroach on adjacent lots. Three step risers will be constructed leading to the entrance to limit potential injury. Staff have determined that adequate space is provided to allow for drainage and therefore, should not negatively impact abutting properties. No negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, Variances 1 is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

