



Report Committee of Adjustment

Filing Date: December 20th, 2023

Hearing Date: January 23rd, 2024

File: A-2023-0393

**Owner/
Applicant:** Pardeep Grewal

Address: 9 Desertrose Way

Ward: WARD 8

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2023-0393 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 the above grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties should not be adversely affected; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached C Special Section 1884 (R1C-1884)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 1.02m 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.
2. To permit a 1.02m (3.35 ft.) pedestrian path of travel to the entrance of the second unit. Whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2m (3.94 ft.) to the entrance of the second unit.

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 Bram East Secondary Plan (Area 41). The requested variances are 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 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 proposed above grade entrance in a side yard having a minimum width of 1.02m (3.35 ft.) extending from the side wall of dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is minimum width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door. The intent of the by-law in 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 providing access to the rear yard.

Variance 2 is requested to permit a 1.02m (3.35 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.) to the entrance of the second unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

In this case, the configuration of the above grade entrance will ensure that a 1.02m (3.35 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. Subject to the conditions of approval, Variance 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit a proposed above grade entrance in a side yard with a reduced setback and a reduced pedestrian path of travel. Despite the proposed above grade door resulting in a decreased interior side yard setback, staff are satisfied that with the current proposal and entrance configuration as an unobstructed path of travel to and from the front and rear yard will be maintained thereby limiting concern for encroachment on adjacent parcels. The proposed pedestrian path of travel of 1.02m (3.35 ft.) is considered to be sufficient for everyday and emergency purposes. 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, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

The location of the proposed above grade entrance is not considered to impact access to the rear yard. The proposed location of the entrance is appropriate given the site context. Staff have determined that sufficient space is provided to allow for drainage and therefore, is not anticipated to negatively impact abutting properties. Further, staff do not anticipate issues with access as a sufficient path of travel is maintained on the property. Subject to the recommended conditions of approval, variances 1 and 2 are minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Planning Technician

APPENDIX A- Site Visit Photos

