



## Report Committee of Adjustment

**Filing Date:** December 6, 2023  
**Hearing Date:** February 20, 2024

**File:** A-2023-0386

**Owner/  
Applicant:** **Mary Guillaume  
Pavneet Kaur**

**Address:** **112 Fairhill Avenue**

**Ward:** Ward 6

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2023-0386 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 proposed below grade entrance shall not be used as a primary entrance to access a unregistered second unit;
  3. That the fence remain constructed in its current location and height and shall not be removed or lowered;
  4. That the applicant obtain a building permit for the below grade entrance and roof structure within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
  5. That drainage on adjacent properties should not be adversely affected; and
  6. 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 -Special Section 1088 (R1F 1088)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line;
2. To permit a proposed exterior side yard setback of 2.47 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres;
3. To permit an existing exterior side yard setback of 2.45 metres to a roof structure whereas the by-law requires a minimum exterior side yard setback of 3 metres;
4. To permit a combined gross floor area of 20.25 square metres for 3 accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for 2 accessory structures;
5. To permit an accessory structure on a landscaped deck having an area of 10.32 square metres, whereas the by-law permits a maximum gross floor area of 10 square metres;
6. To permit 2 accessory structures on a landscaped deck, whereas the by-law permits only one accessory structure on a landscaped deck; and
7. To permit an accessory structure in the exterior side yard, whereas the by-law does not permit an accessory structure in the exterior side yard.

### **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 Fletcher's Meadow (Area 44). 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, Property Standards By-law and other applicable

approval requirements. 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 an existing exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line. The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection.

Variance 2 is requested to permit an existing exterior side yard setback of 2.47 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres. Variance 3 is requested to permit an existing exterior side yard setback of 2.45 metres to a roof structure. Whereas the by-law requires a minimum exterior side yard setback of 3 metres. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

Variances 1, 2, and 3 are related to an existing stairway leading to a below grade entrance and roof structure above. The location of the entrance and structure are not considered to impact the appearance of the dwelling given it being located in the rear yard and screened by an existing privacy fence. The variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a combined gross floor area of 20.25 square metres for 3 accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for 2 accessory structures. Variance 5 is requested to permit an accessory structure on a landscaped deck having an area of 10.32 square metres, whereas the by-law permits a maximum gross floor area of 10 square metres. Variance 6 is requested to permit 2 accessory structures on a landscaped deck, whereas the by-law permits only one accessory structure on a landscaped deck. The intent of the by-law in regulating the number of accessory structures, the maximum permitted gross floor area of an accessory structure and the combined gross floor area for accessory structures is to ensure that the property is not dominated by the structure and that the size of the structures do not negatively impact the provision of outdoor amenity space for the property.

The existing accessory structures intend to enhance the provision of outdoor amenity space in the rear and side yard. And to provide space for enclosed storage. While the applicant is requesting a combined gross floor area for accessory structures that is 20.25 sq. m, which is greater than what the by-law permits, the design and nature of the accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the size of the property, the accessory

structures are not considered to negatively impact the provision of outdoor amenity space for the property. Variances 4, 5, and 6 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 7 is requested to permit an accessory structure in the exterior side yard, whereas the by-law does not permit an accessory structure in the exterior side yard. The applicant provided a Site Plan (Appendix B) which illustrates that the accessory is to be screened from the streetscape using currently existing fencing. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered to ensure the screening remains in place. The accessory structure is not considered to negatively impact the overall streetscape as it will be screened, limiting visual impact. Subject to the conditions of approval, Variance 7 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 an exterior stairway leading to a below grade entrance which will be located between the main wall of the dwelling and the front of a flankage lot line. Variance 2 is requested to permit a proposed exterior side yard setback of 2.47 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres. Variance 3 is requested to permit an existing exterior side yard setback of 2.45 metres to a roof structure whereas the by-law requires a minimum exterior side yard setback of 3 metres. These variances are related to the existing below grade entrance and roof structure constructed above.

Variance 4 is requested to permit a combined gross floor area of 20.25 square metres for 3 accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for 2 accessory structures. Variance 5 is requested to permit an accessory structure on a landscaped deck having an area of 10.32 square metres, whereas the by-law permits a maximum gross floor area of 10 square metres. Variance 6 is requested to permit 2 accessory structures on a landscaped deck, whereas the by-law permits only one accessory structure on a landscaped deck. Variance 7 is requested to permit an accessory structure in the exterior side yard, whereas the by-law does not permit an accessory structure in the exterior side yard.

The addition of the below grade entrance and approval of the existing accessory structures should not interfere with the streetscape of the community as the applicant has submitted a Site Plan (Appendix B) which depicts the stairway, entrance, and accessory structure being screened. The structures subject to the variances are currently existing on the property and contribute positively to the use of the outdoor amenity space, while serving the primary residential function of the property. 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, all Variances are appropriate for the development of the land.

#### 4. Minor in Nature

The Variances are requested to permit an exterior stairway to a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. As well to permit three existing accessory structures with a combined gross floor area of 20.25 square metres, permitting an accessory structure on a landscaped deck having an area of 10.32 square metres, to permit 2 accessory structures on a landscaped deck, and to permit an accessory structure in the exterior side yard. Given that the below grade entrance and accessory structure located in the side yard are currently screened by fencing that is adjacent to the side lot line, Staff are satisfied that the existing streetscape will not be negatively impacted. Considering the size and conditions of the property, the existing accessory structures are not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structures in relation to the surrounding land context does not generate privacy or shadowing impacts. Additionally, the below grade entrance and accessory structures are not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, all Variances are considered minor in nature.

Thank you,

Emily Mailling, Planning Technician

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#### **Appendix A: Site Visit Photos**





## Appendix B: Revised site Plan

