



Report Committee of Adjustment

Filing Date: January 19th, 2024
Hearing Date: February 20th, 2024

File: A-2024-0012
**Owner/
Applicant:** PARMINDER GILL / PANKAJ BHATIA

Address: 76 BRENTCLIFF DRIVE

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0012 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 a registered or unregistered second unit;
 3. That drainage on adjacent properties should not be adversely affected;
 4. The owner obtain a building permit for the below grade entrance 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; and
 5. 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 – Special Section 1103 (R1D-1103)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing above grade entrance in a side yard having a minimum width of 0.60m 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 subject property is designated 'Residential' in the Official Plan, and further designated 'Low/Medium Density' in the Fletcher's Meadow Secondary Plan (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 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. 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 above grade entrance in a side yard having a minimum width of 0.60m 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. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained. The existing exterior stairway leading to an above grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of space for access is maintained on the opposite side of the property.

Subject to the recommended 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

Conditions of approval to permit variance 1 have been included noting that it shall not be used to access a registered or unregistered second unit and that drainage on the adjacent properties shall not be adversely affected have been included. The conditions are important due to the inability for the entrance to be accessed for emergency purposes as the access under the minimum standards as outlined in the Ontario Building Code (OBC).

Subject to the recommended conditions of approval, Variances 1 is appropriate for the development of the land.

4. Minor in Nature

The location of the existing above grade entrance is not considered to impact access to the rear yard and is appropriate given the site context. Subject to the recommended conditions of approval, variance 1 is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

