



## Report Committee of Adjustment

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

**File:** A-2024-0016

**Owner/  
Applicant:** Dona Leelamani Weeratne, Ajanta Jaynath Weeraratna  
Pavneet Kaur

**Address:** 28 Little Britain Crescent

**Ward:** Ward 6

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0016 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 the proposed above grade entrance shall not be used as a primary entrance to access a registered or unregistered second unit; and,
  3. 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 2416 (R1E-11.6 – 2416)', 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 0.64 metres 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 1.2 metres (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 'Executive Residential' in the Bram West Secondary Plan (Area 40(d)). The Variance is requested to permit an above grade door in the side wall where a minimum side yard setback of 0.64m (2.1 ft.) is provided extending from the front wall of the dwelling up to and including the door whereas the by-law only permits an above grade side entrance where the side yard within which the door is located has a minimum width of 1.2m (3.94 ft.) up to and including the door. The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

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

The Variance is requested to permit a proposed above grade side door in the side wall where a minimum side yard width of 0.64m (2.1 ft.) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard 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 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

The variance is related to the interior side yard setback resulting from a proposed above grade door. The 0.64m (2.1 ft.) setback is considered to provide sufficient space for drainage and does not affect access to the rear yard. The reduced setback is not considered to significantly impact secondary access to the entrance located at the side of the dwelling but is not suitable for the primary access to a secondary unit. Should the committee approve the requested variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as the primary entrance to a secondary unit, an alternate primary entrance to the secondary unit must be provided. A condition of approval is recommended that the proposed above grade side door shall not be used to access a registered or unregistered second unit. Subject to the recommend conditions of approval, variance 1 maintains the general intent and purpose of the Zoning By-law.

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

The Variance is intended to permit proposed site conditions for an above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. Staff have no concerns with the reduced side yard setback requirements in regard to drainage or access to the rear yard. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

A condition of approval is to be recommended that should the Committee approve the Variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted to be used as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a second dwelling unit, as per the Ontario Building Code (OBC).

4. Minor in Nature

The Variance is requested to permit the construction of an above grade door with a reduced side yard setback is not considered to have significant impact on drainage or limit access to the property. A condition of approval is recommended that should the Committee approve the requested variance, the applicant is to be aware that the proposed above grade door will not be permitted as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a secondary dwelling unit, as per the Ontario Building Code (OBC). Subject to the recommended conditions of approval, the Variance is minor in nature

Thank you,

Emily Mailling, Planning Technician

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## Site Visit Photos

