



Report Committee of Adjustment

Filing Date: February 8, 2024

Hearing Date: March 19, 2024

File: A-2024-0028

**Owner/
Applicant:** Rajvir Singh Kainth, Navdeep Kainth
Anju Bhutani

Address: 25 Meadowlark Drive

Ward: Ward 4

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0028 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;
 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 Single Detached D – Special Section 2631 (R1D - 2631)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing above grade entrance in a side yard having a minimum width of 0.90 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 feet) extending from the front wall of the dwelling up to and including the door; and
2. To permit a 0.90 metres wide pedestrian path of travel leading to the principal entrance of a additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres leading to the principal entrance of an additional residential unit.

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Residential Low and Medium Density' in the Fletcher's Creek South Secondary Plan (Area 24). The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and 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 0.90 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 feet) extending from the front wall of the dwelling up to and including the door. Variance 2 is requested to permit 0.90 metres wide pedestrian path of travel leading to the principal entrance of a additional residential unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres leading to the principal entrance of an additional residential unit.

The intent of the by-law in requiring a width of 1.2 metres (3.94 feet) extending from the front wall of the dwelling up to and including the door and 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.

When completing a review to determine whether the location of the above grade entrance, resulting interior side yard setback, and pedestrian path of travel are appropriate, Staff look to ensure that its location will not contribute to disturbance onto adjacent properties by way of drainage or access. Despite the setback being reduced to 0.90 metre, access to the rear yard is maintained.

Upon review of the application by the City's Building staff, the proposed 0.90m path of travel leading to the principal entrance to an additional residential unit is sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. Subject to the conditions of approval, Variances 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 an existing above grade entrance in a side yard having a minimum width of 0.90 metres extending from the front wall of the dwelling up to the door and a 0.90 metres wide pedestrian path of travel leading to the principal entrance of a additional residential unit. Despite the reduced width of the above grade entrance, Staff are satisfied that the provided pedestrian path of travel of 0.90m from the front and rear yard is provided and satisfactory of the Ontario Building Code. Conditions of approval have also been included noting that the above 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, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

The location of the above grade entrance and reduced pedestrian path of travel are not considered to impact access to the rear yard and are sufficient for everyday and emergency purposes. The location of the existing above grade entrance is appropriate given the site context. The requested variances are not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

