



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0060

Owner/

Applicant: REJVANT SAINI & BABITA RANI

Address: 67 DONALD STEWART ROAD

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0060 is supportable, in part, 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. That variance 2 be refused; 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 2556 (R1F – 2556)', 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 0.63m 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 and;
2. To permit a 0.63m 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 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 property is designated 'Residential' in the Official Plan, and further designated 'Low / Medium Density' in the Mount Pleasant Secondary Plan (Area 51). 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 1, 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. Variance 1 is considered to maintain the general intent and purpose of the Official Plan. Variance 2 is not 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 0.63m 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 proposed 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.

Variance 2 is requested to permit a 0.63m 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 leading to the principal entrance of an additional residential 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. A reduction to a 0.63m path of travel would not allow the entrance to be accessed for emergency purposes as it is under the minimum standards as outlined in the Ontario Building Code (OBC). Variance 2 is not considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested first variance is to facilitate a proposed entrance within side yard having a minimum width of 0.64m 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. Conditions of approval noting that the above grade entrance 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. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

The requested second variance to facilitate a reduced pedestrian path of travel leading to the principal entrance less than the OBC requirements is not considered to be desirable due to the inability for emergency access to the entrance. Variance 2 is not considered appropriate for the development of the land and conditions have been included to specify that the proposed entrance shall not be used as a primary entrance to access a second unit.

4. Minor in Nature

The location of the proposed above grade entrance is not considered to impact access to the rear yard. The location of the proposed above grade entrance is appropriate given the site context. The requested variance to permit a reduced path of travel to a principal entrance is not considered to be minor in nature and poses risk for emergency access.

Subject to the recommended conditions of approval, variance 1 is deemed minor in nature. Variance 2 is not considered to be minor in nature and it is recommended that variance 2 be refused.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner