



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0075

**Owner/
Applicant:**

HARGOBIND SHARMA & NIHARIKA SHARMA

Address: 96 CLOCKWORK DRIVE

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0075 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 drainage on adjacent properties shall not be adversely affected;
 3. That the below grade entrance shall not be used to access an unregistered or registered second unit; and
 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 – Special Section 2556 (R1F-2556)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

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 1.2m (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 Mount Pleasant Secondary Plan (Area 51). 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. It is noted that the entrance will not be suitable for the primary access to a secondary suite if it would fail to meet minimum Ontario Building Code requirements. Given the above the variance is considered to maintain 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 entrance in a 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. 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, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested 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. Staff note that the proposed path of travel between the side wall of the dwelling and the side property line is not sufficient to be used as primary access to a second unit. 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, the variance is appropriate for the development of the land.

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 but will not comply with minimum Ontario Building Code requirements if sought to be used as primary means of access to an additional second unit. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

