



Report Committee of Adjustment

Filing Date: March 15, 2024

Hearing Date: April 23, 2024

File: A-2024-0087

**Owner/
Applicant:** **Rajesh Kumar
Noble Prime Solutions Ltd., c/o Pavneet Kaur**

Address: **5 Sandmere Avenue**

Ward: 2

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0087 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 applicant obtain a building permit for the existing above 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;
 3. That the above grade entrance shall not be used to access an unregistered 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 Semi-Detached A2 – Special Section 313 (R2A(2)-313)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a existing above grade entrance in a side yard having a minimum width of 0.91 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 0.66 metres setback to the step for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres (2.95 feet) to any steps (or landing) in the interior side yard.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Medium Density – Residential' in the Heartlake Secondary Plan (Area 1). The residential designation supports the current use and the variances are not expected to have any significant impacts within the context of the Official Plan policies. The nature and extent of the proposed variances, subject to the recommended conditions of approval maintain the general purpose and intent 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 0.91m extending from the side wall of dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is 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 of 1.2m (3.94 ft.) from the side yard to an above grade door where access is provided through a door located in the side yard or rear yard is to ensure that there is sufficient access to the dwelling for both every day and emergency purposes.

An above grade side door was constructed on the northeastern side wall of the dwelling. The entrance was constructed without obtaining building permits and was not part of the original design for this building. The reduced interior side yard setback is not considered to significantly impact secondary access to the entrance located at the side of the dwelling. The requested variance is not anticipated to pose significant concern for the subject property nor adjacent properties and it is not unordinary regarding current neighbourhood developments.

Variance 2 is requested to permit a 0.66 metres setback to the step for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres (2.95 feet) to any steps (or landing) in the interior side yard. 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 and sufficient space is provided for drainage.

The variance is requested to permit an existing step serving a principal entrance to a second unit. the proposed setback reduction is not anticipated to impact drainage for the subject property or adjacent property. The reduced setback of 0.24m to the cement step is not considered to limit access to the

rear yard. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a reduced interior side yard setback to an existing above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. A condition of approval is recommended that the entrance to the dwelling is not used for an unregistered second unit dwelling. A further condition of approval is recommended that the owner shall obtain a building permit for the side door within 60 days of the decision of approval or as extended by the Chief Building Official. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

Variance 2 is requested to permit a 0.66m setback to the step for an above grade entrance where the by-law requires a minimum setback of 0.9m to any steps (or landing) in the interior side yard. Despite the reduced setback of the interior side yard, staff are satisfied with the entrance configuration as an unobstructed path of travel is maintained on the opposite side of the dwelling. Subject to the recommended conditions of approval, Staff are of the opinion that Variance 2 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 proposed location of the entrance is appropriate given the site context. Staff have determined that sufficient space is provided to allow for drainage and therefore, should not negatively impact abutting properties. Further, there are no concerns regarding access as a sufficient path of travel is maintained on the property. Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Site Visit Photos (Appendix A)

