



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0093

**Owner/
Applicant:**

SANJAI RAMPAT & RAKESH SANKAR

Address: 61 TRURO CIRCLE

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0093 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 drainage on adjacent properties shall not be adversely affected;
 3. That the above grade entrance shall not be used to access an unregistered second unit;
 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 2227 (R1F-2227)', 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 0.94m 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 0.94m 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). 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. Both Variances 1 and 2 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 a proposed above grade entrance in a side yard having a minimum width of 0.94m 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 0.94m 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. The proposed path of travel will maintain minimum OBC requirements and sufficient space is also provided on the opposite side of the dwelling. Variance 2 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 first variance is to facilitate a proposed entrance within side yard having a minimum width of 0.94m 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 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 an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected have been included.

The requested second variance to facilitate a reduced pedestrian path of travel is anticipated to meet OBC requirements and not impact the ability for emergency access to the entrance. Subject to the recommended conditions of approval, Variances 1 and two are 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. The requested variance to permit a reduced path of travel to a principal entrance is considered to be minor in nature and does not pose risk for emergency access.

Subject to the recommended conditions of approval, both variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

