



Report Committee of Adjustment

Filing Date: April 18, 2024

Hearing Date: May 21, 2024

File: A-2024-0121

**Owner/
Applicant:** HARBANS SINGH & RUPINDER KAUR

Address: 13 Adam Street

Ward: WARD 2

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0121 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 the applicant obtain a building permit for the 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;
 4. That drainage on adjacent properties shall not be adversely affected; 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 C- Special Section 1769 (R1C-1769)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 1.09 metres (3.58 feet) 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 1.2 metres (3.94 feet) leading to the principal entrance of an additional residential unit; and
2. To permit an existing above grade entrance in a side yard having a minimum width of 1.09 metres (3.58 feet) 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.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Snelgrove- Heartlake Secondary Plan (Area 1). The requested variances are not considered to have significant impacts within the context of the Official Plan.

The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities, while facilitating intensification throughout the Urban Growth Centre. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies.

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. The requested variances 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 1.09 metres (3.58 feet) 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 1.2 metres (3.94 feet) 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 path of access to a second unit for both everyday and emergency objectives. The proposed path of travel will maintain minimum 0.86 metres

(2.82 feet) Ontario Building Code requirements and sufficient space is also provided on the northern side of the dwelling. The 1.26 metres (4.9 feet) path of travel that abuts this wall allows for access to the rear yard without concern surrounding the trespassing on neighbouring properties. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an existing above grade entrance in a side yard having a minimum width of 1.09 metres (3.58 feet) 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. 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 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is being sought to permit a path of travel that is less than the 1.2 metres (3.94 feet) requirement set out in the Zoning By-law. Variance 2 is requested to permit an existing above grade entrance within side yard having a minimum width of 1.09 metres (3.58 feet) 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. The additional residential use will work towards the development of various housing types that can accommodate a broader range of living situations. 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. Subject to the recommended conditions of approval, Variances 1 and 2 are deemed appropriate for the development of the land.

4. Minor in Nature

Variance 1 will permit a reduced path of travel to a secondary unit. The existing door was constructed previously and the path of travel is 0.13 m. (0.42 ft.) less than what is set out in the Zoning By-law but it meets the Ontario Building Code requirements. Regarding Variance 2, the location of the proposed above grade entrance is not considered to impact access to the rear yard and is appropriate given the site context. The variances are not anticipated to have significant impact on drainage or limiting access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

