



Report Committee of Adjustment

Filing Date: November 10, 2023

Hearing Date: June 18, 2024

File: A-2023-0358

**Owner/
Applicant:** **Balvir Bhatia and Surjit Bhatia
Nobel Prime Solutions (Pavneet Kaur)**

Address: **586 Queen Mary Drive**

Ward: 6

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2023-0358 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 proposed above grade side door not be used as a primary entrance to an unregistered additional residential unit; and,
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. The developer's engineer responsible for the subdivision has not provided comments or noted any concerns with the proposal since the initial circulation of the application (December 2023). Until the subdivision is assumed, the developer is responsible for ensuring that ongoing requirements of the subdivision under maintenance be respected, including requirements relating to drainage and grading. The proposed Above Grade Entrance in the Side Yard could impact the lot grading requirements or drainage in the interior side yard of the subject property for which the developer is currently responsible.

Existing Zoning:

The property is zoned 'Residential Single Detached F – Special Section 2452 (R1F-9-2452)', 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 1.06 metres extending from the rear 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 metre extending from the front wall of the dwelling up to and including the door; and;
2. To permit a 1.06 metres 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 leading to the principal entrance of an additional residential unit.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density' in the Mount Pleasant Secondary Plan (Area 51). The requested variances are not considered to have no impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approvals, the requested variances are considered to maintain the general intent of the Official Plan

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is required to permit an above grade entrance in a side yard having a minimum width of 1.06m 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. Variance 2 is requested to permit a 1.06m wide pedestrian path of travel having a minimum width of 1.2 metre leading to the principal entrance of an additional residential unit. The intent of the by-law in requiring a minimum 1.2m (3.94 ft.) width between the front wall of the dwelling up to and including the door and 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 variances relates to a 0.14m reduction to the side yard setback and path of travel to a principal entrance of an additional residential unit. The requested side yard setback of 1.06m and path of travel are designed in a way that could continue to allow for a path of travel to and from the rear yard while also allowing drainage to be completed on the property. The location of the entrance and path of travel is considered sufficient for everyday and emergency purposes. Subject to the recommended conditions of approval, the requested variance is found to maintain the general intent and purpose of the By-law. Subject to the recommend 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

Variations 1 and 2 are requested in order to facilitate the registration of an additional residential unit. The variations are not considered to have negative impacts to the property or adjacent properties. The additional residential use will work towards the development of various housing types that can accommodate a broader range of living situations. A condition of approval is recommended that the primary entrance to the additional residential unit shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, the variations are considered desirable for the appropriate development of the land.

4. Minor in Nature

The variations are proposed to accommodate a proposed above grade entrance with a reduced side yard setback and a primary entrance to an additional residential unit with a reduced path of travel. The variations are not anticipated to impede the ability for residents and emergency services to access the second unit. The remaining area of 1.06m is not considered to significantly limit everyday use and serve as the main entrance to a second unit. Subject to the recommended conditions, Variations 1 and 2 are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

