



Report Committee of Adjustment

Filing Date: May 13th, 2024
Hearing Date: June 18th, 2024

File: A-2024-0055

**Owner/
Applicant:** PREET MINHAS
SHIVANG TARIKA

Address: 22 PINE ISLAND WAY

Ward: WARD 5

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0055 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 (R1E)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit 0.32 metres setback to the landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres to any steps (or landing) in the interior side yard; and
2. To permit a landing used to access an additional residential unit having a height of 0.86 metres above ground level, whereas the by-law permits a landing having a maximum height of 0.6 metres above ground level.

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' in the Credit Valley Secondary Plan (Area 45). As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential 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 not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed 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 0.32 metres setback to the landing for an above grade side entrance, whereas the by-law requires a minimum setback of 0.9 metres 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.

Variance 2 is requested to permit a landing used to access an additional residential unit having a height of 0.86 metres above ground level, whereas the by-law permits a landing having a maximum height of 0.6 metres above ground level. The intent of the Zoning By-law in prohibiting above grade entrances in the interior side yard is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line.

Despite the proposed setback reduction and increased landing height, rear yard access remains feasible due to the design of the staircase and as access to the rear of the property is provided on the opposite side of the home. The design of the staircase leading to the above grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. Additionally, the proposal includes three step risers flanking the entrance, eliminating the need to encroach upon neighboring properties. Subject to the conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed variances are requested to permit a landing used to access an additional residential unit having a height of 0.86m above ground level and to permit a 0.32m setback to the landing for an above grade side entrance. The addition of the above grade entrance and reduced side yard setback should

not interfere with access to the rear yard nor negatively impact drainage on adjacent properties. A condition of approval has been included that drainage on adjacent properties shall not be adversely affected and that the below grade entrance shall not be used to access an unregistered second unit.

Subject to the conditions of approval the variances are considered appropriate for the development of the land.

4. Minor in Nature

The requested variances will facilitate the creation of an additional residential unit by allowing the construction of an exterior stairway leading to an above grade entrance by permitting a reduced setback and increase landing height. The variance is not anticipated to have significant impact on drainage or limit access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

