



Report Committee of Adjustment

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

File: A-2024-0163

**Owner/
Applicant:** FELIX TEKON TABOD & EDITH EGHO NGEH / PAVNEET KAUR

Address: 177 Wexford Road

Ward: WARD 2

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0163 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 drainage on adjacent properties should not be adversely affected;
 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:

The Minor Variance application is seeking approval to construct an above grade entrance located within the required side yard of the property. Additionally, a variance is sought to permit an increased driveway width.

Existing Zoning:

The property is zoned 'Residential Semi-Detached – Special Section 313 (R1A-313)', 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 0.98 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 extending from the front wall of the dwelling up to and including the door; and
2. To permit a driveway width of 7.58 metres, whereas the by-law permits a maximum driveway width of 7.0 metres.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Snelgrove-Heart Lake Secondary Plan (Area 1). The requested variances are not considered to have significant impacts within the context of the Official Plan. 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 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 a proposed above grade entrance in a side yard having a minimum width of 0.98 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 extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard.

In the case of the single detached dwelling situated on a lot with rear yard access provided on either sides of the dwelling, a proposed above grade entrance with staircase along the south wall of the dwelling will result in a setback that does not comply with the by-law. However, despite this setback reduction, rear yard access remains feasible. The design of the above grade entrance ensures unimpeded travel to the rear yard with a continuous pathway.

Variance 2 to permit a driveway width of 7.58 metres, whereas the by-law permits a maximum driveway width of 7.0 metres. The intent of the by-law in regulating the driveway width is to ensure that the driveway does not dominate the front yard landscaped area and/or allow for an excessive number of vehicles to be parked in front of the dwelling and to ensure that sufficient space is provided for drainage while making sure that drainage on adjacent properties are not impacted.

Staff are of the opinion that the layout of the driveway will not allow an excessive number of cars to be parked in front of the dwelling and not contribute to impervious surfaces in the front yard. Staff are of the opinion that the widening will not impact drainage on adjacent properties.

Subject to the conditions of approval, the 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 requested variance 1 is to facilitate the construction of a proposed separate entrance within the required side yard. The variance to reduce the resulting setback to the exterior stairway leading to an above grade entrance is not anticipated to negatively affect the subject property or adjacent properties. A condition is recommended that the above grade entrance shall not be used to access an unregistered second unit.

Variance 2 would not allow the front yard to be dominated with vehicles and or contribute to increased runoff due as the restoration of permeable surface. Due to this, the proposal is not considered to have negative impacts on neighbouring properties.

Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance will facilitate the creation of an exterior stairway leading to an above grade entrance by permitting a reduced setback. The variance is 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, the variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix 1

