



Report Committee of Adjustment

Filing Date: May 14, 2024
Hearing Date: June 18, 2024

File: A-2024-0164

**Owner/
Applicant:** Kirtan Deepak Patel, Jayraj Deepak Patel, Rohini Vig
Pavneet Kaur

Address: 20 Eastman Drive

Ward: Ward 5

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0164 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the proposed above grade entrance shall not be used as a primary entrance to access a registered or unregistered second 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 provided comments on the proposal stating no concerns, 'see appendix 2'.

Existing Zoning:

The property is zoned 'Institutional Special Section 2485 (I1 – 2485)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 0.64 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.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Institutional' in the Credit Valley Secondary Plan (Area 45). Special Section 2485 permits the uses as outlined by R1E-x zone. The Variance is requested to permit a proposed above grade entrance in a side yard having a minimum width of 0.64 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 requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

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

The Variance is requested to permit a proposed above grade entrance in a side yard having a minimum width of 0.64 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 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

The variance is related to the interior side yard setback resulting from a proposed above grade door. The 0.64m (2.1 ft.) setback is considered to provide sufficient space for drainage and does not affect access to the rear yard. The reduced setback is not considered to significantly impact secondary access to the entrance located at the side of the dwelling but is not suitable for the primary access to a secondary unit. Should the committee approve the requested variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as the primary entrance to a secondary unit, an alternate primary entrance to the secondary unit must be provided. A condition of approval is recommended that the proposed above grade side door shall not be used to access a registered or unregistered second unit. Subject

to the recommend conditions of approval, variance 1 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The Variance is intended to permit proposed site conditions for an above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. Staff have no concerns with the reduced side yard setback requirements in regard to drainage or access to the rear yard. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

A condition of approval is to be recommended that should the Committee approve the Variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted to be used as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a second dwelling unit, as per the Ontario Building Code (OBC).

4. Minor in Nature

The Variance is requested to permit the construction of an above grade door with a reduced side yard setback is not considered to have significant impact on drainage or limit access to the property. A condition of approval is recommended that should the Committee approve the requested variance, the applicant is to be aware that the proposed above grade door will not be permitted as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a secondary dwelling unit, as per the Ontario Building Code (OBC). Subject to the recommended conditions of approval, the Variance is minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix 1: Site Visit Photos



Appendix 2: Developer's Response

[EXTERNAL]RE: Re: CofA A-2024-0164 (20 Eastman Dr) Valley Oak Development Lot 66 Side Door Entrance - Message (HTML) (Read-Only)

File Message Help Kofax PDF Tell me what you want to do

Delete Archive Reply Reply Forward All Share to Teams All Apps Inquiries Team Email Reply & Delete To Manager Done Create New Move Assign Policy Categorize Follow Up Mark Unread Read Aloud Immersive Reader Translate Zoom Reply with Scheduling Poll Report Message Viva Insights

[EXTERNAL]RE: Re: CofA A-2024-0164 (20 Eastman Dr) Valley Oak Development Lot 66 Side Door Entrance

KA [Redacted]

You replied to this message on 2024/06/14 10:28 AM

A-2024-0164 - Submitted Application.pdf 715 KB

Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.

Hi Adam,

Paradise has no concern as long as the grading will work and not affect our certification.

As this is an above grade entrance, I believe this won't run into the same problems that we reviewed earlier this week.

Much obliged,

PARADISE
DEVELOPMENTS

KYLE ANERY, C.TECH
DEVELOPMENT CONSTRUCTION MANAGER

[Redacted]

Good morning Paul,

Please see the attached Committee of Adjustments application for a side yard entrance at the subject address. Kindly provide comment on behalf of the developer at your earliest convenience.