

Filing Date: March 23, 2021
Hearing Date: March 30, 2021

File: A-2021-0038

**Owner/
Applicant:** AMANPREET CHOUHAN / BHASKAR JOSHI

Address: 33 Jemima Rd

Ward: 6

Contact: Jacqueline Lee, Planner I

Recommendations:

That application A-2021-0038 is not supportable.

Background:Existing Zoning:

The property is zoned Residential Single Detached F-9 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 0.97m (3.18ft) wide path of travel leading to the primary access to a second unit whereas the by-law requires a minimum 1.2m (3.94ft) unobstructed path of travel leading to the primary entrance to a second unit.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51).

Section 3.2.8.2 provides policies relating to Second Units and includes policy 3.2.8.2 (d) which states "where an application for a second dwelling unit fails to conform to any of

the requirements of the implementing zoning by-law, a zoning by-law amendment shall be required.” As the requirement for the implementing Zoning By-law provision for an unobstructed 1.2m (3.94ft) path of travel is not met, the variance is not considered to maintain the intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The variance seeks to permit a porch encroachment within the minimum 1.2m (3.94ft) path of travel providing access from the front wall of the dwelling to the second unit access, resulting in a reduced path of travel of 0.97m (3.18ft). Section 10.16 (g) of the Zoning By-law states “where access to a second unit is provided through a door located in the side yard or rear yard, permitted encroachments, structures, utilities, or mechanical equipment shall not be permitted within 1.2 metres of the side lot line for the portion of the side yard between the access and the front wall of the dwelling.”

The requirement of a minimum 1.2m (3.94ft) unobstructed path of travel to the second unit is intended to ensure that there is adequate primary access to the second unit. This access is not only for the residents and visitors to the second unit, but also for emergency purposes. As the By-law explicitly states encroachments are not permitted in the minimum 1.2m (3.94ft) path of travel to the access for a second unit, the variance is not considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is sought to facilitate the registration of a second unit within the basement of the existing residential dwelling. A below grade entrance is proposed with access from the side yard. However, due to the porch encroachment reducing the required path of travel for every day and emergency use, the variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance for a reduced path of travel restricts the primary access to the second unit for occupants, visitors, and emergency services. It has the potential to negatively impact safety of those who use the path as a primary access to the dwelling unit and is therefore not considered minor in nature.

Respectfully Submitted,



Jacqueline Lee
Planner I