



## Report Committee of Adjustment

**Filing Date:** August 16, 2021  
**Hearing Date:** September 14, 2021  
**File:** A-2021-0189  
**Owner/  
Applicant:** GAREWAL KISHOR  
**Address:** 3 Aylesbury Drive  
**Ward:** WARD 6  
**Contact:** François Hémon-Morneau, Planner I

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### **Recommendations:**

That application A-2021-0189 is supportable, in part, 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 Variance 1 for a reduced path of travel leading to a principle entrance for a second unit be refused;
  3. That drainage on adjacent properties shall not be adversely affected;
  4. That the existing driveway shall not be further widened or expanded; and,
  5. 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 applicant is requesting a variance to allow a reduced path of travel leading to a principle entrance for a second unit. The entrance was constructed by the builder, however it was not intended for a second unit. Upon site inspection, an additional variance was identified relating to the existing width of the driveway.

Existing Zoning:

The property is zoned 'Residential Single Detached F (R1F-9-2201)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 0.65m (2.17 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2 m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit;
2. To permit a driveway width of 6.93m whereas the by-law permit a maximum driveway width of 6.71m.

**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 Residential' in the Mount Pleasant Secondary Plan (Area 51). 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 0.65m (2.17 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2 m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit. The intent of the By-law in requiring a minimum path of travel of no less than 1.2 metres (3.93 feet) where access to a second unit is provided through a door located in the side yard 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 variance relates to a 0.65m (2.13 ft.) path of travel to a primary entrance to a second unit located at the side of the dwelling. The reduced path of travel is attributable to existing site conditions and reflective of side yard setbacks. A side door constructed by the builder is proposed to be used as a primary entrance to a second unit. The variance proposes a reduction of approximately 0.55m (1.77 ft.) to the path of travel. The entrance was constructed by the builder, however it was not intended for a second unit. Although the side entrance is existing, the proposed reduced path of travel is not considered to provide sufficient access to the entrance of the second unit for both every day and emergency purposes. The requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a driveway width of 6.93m whereas the by-law permit a maximum driveway width of 6.71m. The intent of the By-law in regulating the maximum permitted driveway width is to ensure that the driveway does not visually dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling.

The area of the driveway that has been widened consists of a 1.22m wide stone walkway leading to the front porch of the dwelling. The 0.22m increase to the overall width of the driveway does not visually dominate the front yard landscaped area and does not allow for an excessive number of vehicles to be parked in the front of the dwelling. While the driveway does not maintain the full front yard landscaping requirements, the existing condition of the driveway is not out of character for the area. In this case, the materials used maintain the intent of the Zoning By-law by not visually dominating the front yard of the property. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The owners are requesting a variance to allow a reduced path of travel to the primary entrance to the second unit which was constructed by the builder. The variance is required due to the existing side yard setbacks and to facilitate the registration of a proposed second unit within the existing residential dwelling. The proposed reduced path of travel of 0.65m (2.13 ft.) leading to a principle entrance for a second unit is not considered to be sufficient for both everyday and emergency purposes. Variance 1 is not considered to be desirable for the appropriate development of the land.

An additional variance is requested to permit an existing driveway that has been widened. The area of the widened driveway is small and functions as a walkway to the front porch of the dwelling. The variance is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1 is proposed to accommodate an entrance to a second unit with a reduced path of travel. The proposed reduction in the path of travel is anticipated to impede on the ability for residents and emergency services to access the second unit. The variance is not considered to be minor in nature.

Variance 2 is requesting to permit an existing driveway width that is 0.22m greater than what the by-law permits. No negative impacts are anticipated from the widened driveway. A condition of approval is recommended that the driveway not be further widened or expanded. Subject to the recommended condition of approval, variance 2 is considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner I