



Report
Committee of Adjustment

Filing Date: September 6, 2022

Hearing Date: October 4, 2022

File: A-2022-0285

Owner/

Applicant: KAMALDEEP ARORA AND RABINDEER ARORA

Address: 31 Newbridge Crescent

Ward: Ward 7

Contact: Mohammed Jalabi-Assistant Development Planner

Recommendations:

That application A-2022-0285 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 below grade entrance shall not be used to access an unregistered second unit;
 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:

Existing Zoning:

The property is zoned 'Residential Single Detached (R2A (2))', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 1.01m (3.31 ft.) path of travel leading from the front of the property to the principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit;

2. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
3. To permit an interior side yard setback of 1.0m (3.28 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
4. To permit a fence height of 2.29m (7.51 ft.) along an existing deck whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.).

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 Residential' in the Bramalea Secondary Plan (Area 3). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested 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 1.01m (3.31 ft.) path of travel leading to the principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) 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 1.2m (3.94 ft.) width between the front wall of the dwelling up to and including the door and a minimum path of travel is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes. A proposed path of travel measuring 1.01m (3.31 ft.) is found to be reasonable and adequate to provide safe and easy access for emergencies and everyday use. Furthermore, the proposed path is 0.19m (0.63 ft.) less than the required 1.2 (3.94 ft.). Such measurement is considered not to have any adverse effect on the subject property or adjacent properties. Upon conducting a site visit, staff were able to observe that there were no significant impacts related to access. Variance 1 is considered to maintain the general intent and purpose of the zoning By-Law.

Variance 2 is requested to permit to an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 3 is requested to permit an interior side yard setback of 1.0m (3.28 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

The stairway leading to a below grade entrance encroaching into the required interior side yard is not considered to have significant impacts on drainage to the subject property and adjacent properties. An additional 1.0 m (3.28 ft.) is also maintained for access to the rear yard. The requested variance is not anticipated to pose significant concern for the subject property nor adjacent properties and it is not unordinary regarding current neighbourhood developments. A condition of approval is recommended

that the below grade entrance shall not be used to access an unregistered second unit. Variances 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an existing fence height of 2.29m (7.51 ft.) along an existing deck whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.). The current height of the fence is 0.29m (0.95 ft.) larger than the permitted 2.0m (6.56 ft.). Upon conducting a site visit, staff did not see any significant impact to the subject property nor to adjacent property. Variance 4 is considered to maintain the general purpose and intent of the Zoning By-Law.

3. Desirable for the Appropriate Development of the Land

Variance 1 seeking to provide a path of travel to an above grade entrance leading into a second unit is deemed desirable for the development of the land. The requested path of travel is able to maintain safe and easy access to the second unit for both everyday and emergency purposes.

Variance 2 and 3 is requested to permit an exterior stairway leading to a below grade entrance and interior side yard setback of 1.0m (3.28 ft.) to the exterior stairway leading to a below grade entrance. The stairway and interior yard setback is not anticipated to negatively impact access to the rear or front of the property, nor does it significantly impact landscaping and drainage. The existing fence is not considered to harm or impede on subject property or adjacent properties. Subject to the recommended conditions of approval, the variances are not anticipated to generate negative impacts on-site or off-site and are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is deemed safe for emergencies and everyday use and is considered minor in nature. The exterior stairway and interior side yard setback is not anticipated to limit access to the property or impact drainage nor is it abnormal for the current circumstances of the neighborhood. Lastly, the fence is not considered to impact drainage nor obstruct access or view. Subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi- Assistant Development Planner