



Report Committee of Adjustment

Filing Date: September 23, 2022

Hearing Date: October 25, 2022

File: A-2022-0311

**Owner/
Applicant:** PHARAMESAN MEHALA

Address: 11 Jemima Road

Ward: WARD 6

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0311 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 above grade entrance shall not be used to access an unregistered second unit;
 3. That the owner shall obtain a building permit for the above grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 4. That drainage on adjacent properties is not adversely affected;
 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:

Existing Zoning:

The property is zoned 'Residential Single-Detached F (R1f-2452)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an as-built above grade door in the side wall where a minimum side yard width of 0.65m (2.13 ft.) is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front of the dwelling up to and including the door;
2. To permit 0.0 of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line.

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 variance, subject to the recommended conditions of approval, maintains 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 an as-built above grade door in the side wall where a minimum side yard width of 0.65m (2.13 ft.) is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front of the dwelling up to and including the door. The intent of the by-law in requiring a minimum setback of 1.2m (3.94 ft.) from the side yard to an above grade door where access is provided through a door located in the side yard or rear yard is to ensure that there is sufficient area to access the second unit for both every day and emergency purposes.

The first variance is related to the interior side yard setback and 0.65m (2.13 ft.) provides sufficient space for drainage and access to the rear yard. The reduced interior side yard setback is not considered to significantly impact access to the entrance located at the side of the dwelling. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit 0.0 of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line. The intent of the by-law is requiring a minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The variance relates to the existing concrete path extending from the east to the west between the driveway and the side lot line to provide passage to the secondary entrance. While the concrete path is built up to the property line, it is not considered to significantly impact drainage or contribute a substantial loss of landscaped open space on the property. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Staff is satisfied with the current conditions involving the permeable landscaping adjacent to the side lot line for drainage. Subject to the

recommended condition of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances 1 and 2 are required in order to permit a reduced interior side yard setback to an as built above grade door and removal of permeable landscaping abutting the side lot line. The variance variances are not considered to have negative impacts to the property or adjacent properties. A condition of approval is recommended that the primary entrance to the second unit shall not be used to access an unregistered second unit. A further condition of approval is recommended that the owner shall obtain a building permit for the side door within 60 days of the decision of approval or as extended by the Chief Building Official. The variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The variances are proposed to accommodate a reduced interior side yard setback and removal of permeable landscaping between the driveway and the side lot line. The requested variances are not expected to impede access to the rear yard and is not expected to have any adverse impacts on drainage. The variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a circular, scribbled outline.

Simran Sandhu, Assistant Development Planner