



Report Committee of Adjustment

Filing Date: December 9, 2022

Hearing Date: January 24, 2023

File: A-2022-0398

**Owner/
Applicant:** Gobitha Piratheepan and Piratheepan Kulendran

Address: 9 Ferncastle Crescent

Ward: WARD 6

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2022-0398 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-1205)', according to By-law 270-2004, as amended.

Requested Variances:

The applicants are requesting the following variances:

1. To permit a 0.66m (2.17 ft.) path of travel leading to a principal entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit.

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44).

Official Plan Section 3.2.8.2 provides the policies for second units. Policy 3.2.8.2 (ii) states that "A second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements."

In this instance, the requested variance would result in non-compliance with the Ontario Building Code and is not considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Residential Single Detached D,' Special Section 1205 (R1D-1205), according to By-law 270-2004, as amended.

The variance is requested to permit a 0.66m (2.17 ft.) path of travel leading to the principal entrance for a second unit whereas the by-law requires a minimum side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance to the second unit. The intent of the By-law in requiring 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 every day and emergency purposes.

The proposed path of travel measuring 0.66 m (2.16 ft.) is anticipated to negatively affect the ability to access a second unit. In addition, as per the Ontario Building Code (OBC), the proposed primary entrance to the second unit is not sufficient for the required egress path to a public thoroughfare as outlined in the Building Code to provide sufficient access to the entrance of the second unit. The requested variance is not considered to maintain the general purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit a reduced path of travel to a second unit. The variance is not deemed desirable for the development of the lands as it fails to meet the minimum requirement of the OBC. Following a review of the requested variance, the City's Building Division has advised that 0.66m (2.17 ft.) is not sufficient for the required egress path to a public thoroughfare as outlined in the OBC. Should the Committee approve the requested variance for the 1.2m (3.94 ft.) path of travel required in the Zoning By-law, the side door will not be permitted as a primary entrance to a registered or unregistered second dwelling unit. The path of travel is not supported by the City's Building Division as building permits would not be issued, nor is it considered safe for emergencies and everyday use from a Planning perspective.

4. Minor in Nature

The variance is deemed unsafe for emergencies, everyday travel use, and do not meet the minimum OBC requirements. The reduced path of travel leading to the primary entrance for a second unit has the potential to negatively impact safety. Therefore, the variance is not considered minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

