



Report Committee of Adjustment

Filing Date: January 9, 2023
Hearing Date: February 14, 2023

File: A-2023-0004

**Owner/
Applicant:** DHARMENDRA KUMAR AND ARCHANA SINGH

Address: 38 Newbridge Circle

Ward: WARD 7

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0004 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. The owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. 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 Semi-Detached A(2) (R2A(2)-187)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an above grade side door having an interior side yard setback of 0.83m (2.72 ft.), whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) from an interior side yard to an above grade door;
2. To permit a path of travel of 0.83m (2.72 ft.) leading to the primary entrance to 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 to the 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 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The Residential designation supports the current use and the requested variances are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and is 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 Semi-Detached A(2),' Special Section 187 (R2A(2)-187), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an above grade side door having an interior side yard setback of 0.83m (2.72 ft.), whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) from an interior side yard to an above grade door. Variance 2 is requested to permit a path of travel of 0.83m (2.72 ft.) leading to the primary entrance to 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 to the second unit. 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 and a minimum path of travel of 1.2m (3.94 ft.) 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.

An above grade side door was constructed on the northeastern side wall of the dwelling. The entrance was constructed without obtaining building permits and was not part of the original design for this building. In this case, the variance relates to a 0.37m (1.21 ft.) reduction to the side yard and path of travel for the area serving as a walkway to the side entrance. Upon staff visit, it was noted that the entrance to the above grade door was accessible through a path located in front of the porch and between the landscaping. Building Staff have reviewed the application and have no objections to the existing path of travel as the property survey indicates an existing setback of 0.88m (2.89 ft.). The location of the entrance and path of travel width is considered sufficient for everyday and emergency purposes. A condition of approval is recommended that the owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official. Subject to the recommended conditions of approval, the variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to facilitate an existing above grade door having a reduced interior side yard setback and a path of travel leading to the principal entrance to a second unit. The reduced setback and path of travel extending from the front wall of the dwelling up to the door are not considered to significantly impact everyday use. 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

Variances 1 and 2 are requested to facilitate the registration of a second unit by allowing the location and setbacks of an existing above grade entrance and reduced path of travel. The reduced interior side yard setback and path of travel of 0.83m (2.72 ft.) are not considered to significantly limit everyday use and provide sufficient space for emergency responders. Subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

