



Report Committee of Adjustment

Filing Date: February 6, 2023

Hearing Date: March 7, 2023

File: A-2023-0039

Owner/

Applicant: KHIPPLE CHARANJIT / NOBLE PRIME SOLUTIONS LTD – NAVPREET KAUR

Address: 69 Vivians Cresent

Ward: WARD 4

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0039 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 above 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:

Following a discussion with the applicant on February 3, 2023, the Applicant advised that the application solely considers the construction of a proposed above grade door, and the owner has not advised if the door will be used as the primary entrance for a second unit.

Existing Zoning:

The property is zoned 'Residential Single Detached – Special Section 3414 (R1C – 3414)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an above grade door in the side wall where a minimum side yard width of 1.13m (3.70 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 a side wall unless there is a minimum side yard width of 1.2m (3.93 ft.) extending from the front wall of the dwelling up to an including the door.

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 Flowertown Secondary Plan (Area 6). 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

The variance is requested to permit a proposed above grade door in the side wall where a minimum side yard width of 1.13m (3.70 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 a side wall unless there is a minimum side yard width of 1.2m (3.93 ft.) extending from the front wall of the dwelling up to an 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 access to the dwelling for both every day and emergency purposes.

The requested is related to the interior side yard setback and 1.13m (3.70 ft.) provides sufficient space for drainage and access to the rear yard. The reduced side yard setback of 0.07m (0.22 ft.) is not considered to significantly impact access to the entrance located at the side of the dwelling. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a reduced interior side yard setback to a proposed above grade door. The variance is not considered to have negative impacts to the property or adjacent properties as there is permeable landscaping for drainage and sufficient space for access to the rear yard. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance which proposes to accommodate a reduced interior side yard setback is not anticipated to result in adverse impacts on access to the rear yard, as the reduction is only for 0.07m (0.22 ft.) which leaves sufficient space for a clear path of travel to the rear yard for everyday use and emergency purposes. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician