



Report Committee of Adjustment

Filing Date: January 23rd, 2023

Hearing Date: March 7th, 2023

File: A-2023-0020

**Owner/
Applicant:** TEJBIR SINGH AND NAVPREET KAUR RANDHAWA

Address: 9 GOODVIEW DRIVE

Ward: WARD 9

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0020 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 Variance 2 to permit a 0.68m (2.23 ft.) path of travel leading to the principal entrance for a second unit be refused. The applicant is to be aware that 0.68m (2.23 ft) is not sufficient for the required egress path to a public thoroughfare, as required by the Ontario Building Code (OBC). Should the Committee approve a variance for a reduction 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 secondary dwelling unit and that the same be reflected in the notice of decision;
 3. That the above grade entrance shall not be used to access an unregistered second unit; and
 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:

The Public Notice for application A-2023-0020 dated February 23rd, 2023, states that Variance 2 seeks to permit a 0.68m (2.23 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. However, in speaking with the applicant,

it was clarified that the proposed above grade door will not be used for a second unit, but rather as a second owner-used basement entrance.

Existing Zoning:

The property is zoned 'Residential Single Detached F-x Special Section 2368 (R1F-9-2368)', 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 0.68m (2.23ft) 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).
2. To permit a 0.68m (2.23 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.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and further designated 'Low Density Residential' in the Countryside Villages Secondary Plan (Area 48b). 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 an above grade door in the side wall where a minimum side yard width of 0.68m (2.23ft) 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). The intent of the by-law in requiring a minimum side yard width of 1.2m (3.94ft) extending from the front wall of the dwelling up to and including the door is to ensure sufficient space is provided to allow for drainage, path of travel, and access to the rear yard. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the by-law.

Variance 2 is requested to permit a 0.68m (2.23 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 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. Through review of the requested variances and site visit conducted by Staff, it was determined that 0.68m (2.23ft) is sufficient area for drainage and access to the rear yard (see Appendix A). However, following a review of the requested variance, the City's Building Division has advised that 0.68m (2.23ft) is not sufficient for the

required egress path to a public thoroughfare as outlined in the Ontario Building Code (OBC). Staff recommend that Variance 2 to permit a 0.68m (2.23 ft.) path of travel leading to the principal entrance for a second unit be refused. Should the Committee approve the requested variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as a primary entrance to a secondary dwelling unit. Furthermore, the applicant must be aware that if the proposed above grade door were to ever be used as an entrance to a secondary dwelling unit, an alternate primary entrance to said secondary unit must be provided. The Ontario Building Code (OBC) does not permit a side door as a primary entrance to a secondary dwelling unit. It is noted that in speaking with the applicant, it was clarified that the proposed above grade door will not be used for a second unit, but rather as a second owner-used basement entrance. Another condition of approval is recommended that the above grade entrance shall not be used to access an unregistered second unit.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit proposed site conditions for an above grade door and a reduced path of travel/minimum side yard setback to a basement entrance within the side yard. While full setback requirements of the Zoning by-law are not maintained, Staff have no concerns with the reduced side yard setback requirements in regard to drainage or access to the rear yard. Furthermore, as the proposed above grade door is intended for owner use to access a basement entrance, Staff have no concerns in regard to the reduced minimum required side yard setback. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

Staff recommend that Variance 2 to permit a 0.68m (2.23 ft.) path of travel leading to the principal entrance for a second unit be refused. A condition of approval is recommended that should the Committee approve the requested variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a secondary dwelling unit (if applicable), as per the Ontario Building Code (OBC). A condition of approval is also recommended that the above grade entrance shall not be used to access an unregistered second unit.

4. Minor in Nature

Variance 1 for the construction of an above grade basement entrance with a reduced side yard setback is not considered to have significant impact on drainage or limit access to the property. As such, the requested variance is deemed minor in nature. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Staff recommend that Variance 2 to permit a 0.68m (2.23 ft.) path of travel leading to the principal entrance for a second unit be refused. A condition of approval is recommended that should the Committee approve the requested variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a secondary dwelling unit (if applicable), as per the Ontario Building Code (OBC).

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Site Visit Photos:

