

**Filing Date:** May 12, 2023  
**Hearing Date:** June 20, 2023

**File:** A-2023-0152

**Owner/  
Applicant:** Sandeep Raj and Kamlesh Raj/ Navpreet Kaur – Noble Prime Solutions

**Address:** 96 Toba Crescent

**Ward:** 7

**Contact:** Megan Fernandes, Planning Technician

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**Recommendations:**

That application A-2023-0152 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. 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; 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:**

Existing Zoning:

The property is zoned 'Residential Single Detached D – Special Section 358 (R1D-358)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing above grade door in the side wall where a minimum side yard width of 1.00m (3.28 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 wall of the dwelling up to and including the door;
2. To permit a 1.00m (3.28 ft.) path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard with 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 property is designated as “Residential” within the Official Plan and “Low Density Residential” within the Snelgrove Heartlake Secondary Plan (Area 1). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

The subject property is zoned ‘Residential Single Detached D’ – Special Section 358 (R1D-358), according to Zoning By-law 270-2004, as amended.

Variance 1 is requested to permit an existing above grade door in the side wall where a minimum side yard width of 1.00m (3.28 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 wall of the dwelling up to and including the door. Variance 2 is requested to permit a 1.00m (3.28 ft) path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard with 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.) is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

An above grade side door was constructed on the northwestern 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 0.20m (0.65 ft.) reduction in the side yard and path of travel for the area serving as the primary walkway to the side entrance. 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. Variances 1 and 2 are considered to 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 in order to facilitate the registration of a second unit. The existing above grade entrance was constructed without obtaining building permits. The remaining setback and

path of travel extending from the front wall of the dwelling up to the door is not considered to significantly impact everyday use. A condition of approval is recommended that the above grade entrance shall not be used to access an unregistered second unit and 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, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

A variance is 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 remaining area of 1.00m (3.28 ft) is not considered to significantly limit everyday use and serve as the main entrance to a second unit. Subject to the recommended conditions, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician

Appendix 1 – Site Visit Photos

