



Report Committee of Adjustment

Filing Date: June 5, 2023
Hearing Date: July 11, 2023

File: A-2023-0175

**Owner/
Applicant:** Inderpal Sehra and Bakshisk Shera

Address: 11 Goodview Drive

Ward: 9

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0175 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 the proposed above grade side door shall not be used as a primary entrance to a registered or unregistered second dwelling 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:

Existing Zoning:

The property is zoned 'Residential Single Detached E – Special Section 2468 (R1E-11.6-2468)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an above grade door in the side wall where a minimum side yard width of 0.61m (2ft) is provided extending from the front wall of the dwelling up to and including 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.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Low Density Residential' within the Countryside Villages Secondary Plan (Area 46b). The requested variance has 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 variance is requested to permit an above grade door in the side wall where a minimum side yard width of 0.61m (2ft) is provided extending from the front wall of the dwelling up to and including 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. 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 variance is related to the interior side yard setback resulting from the as built above grade door. The 0.61m (2 ft.) setback is considered to provide sufficient space for drainage and access to the rear yard. The reduced interior side yard setback is not considered to significantly impact secondary access to the entrance located at the side of the dwelling but is not suitable for the primary access to a secondary suite. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law. 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

The variance is requested to permit a reduced interior side yard setback to an existing above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. A condition of approval is recommended that the entrance to the dwelling is not used for a registered or unregistered second unit dwelling as there is not enough space in the interior side yard to act as a primary-entrance to a residential unit. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The proposed construction of an above grade entrance with a reduced path of travel is not considered to have significant impact on drainage or limiting access to the property. The recessed configuration of the side door effectively buffers the entrance from the streetscape, mitigating any visual impacts on the surrounding area. A condition of approval is recommended that the entrance shall not be used to access a registered or unregistered second unit as it would not comply with minimum Ontario Building Code

regulations. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos



