



Report Committee of Adjustment

Filing Date: September 25, 2023

Hearing Date: October 24, 2023

File: A-2023-0298

**Owner/
Applicant:** Ravdeep Singh & Ravneet Kaur
Dhruv Verma

Address: 15 Tigerlilly Place

Ward: Ward 9

Contact: Ben Suchomel, Student Planner

Recommendations:

That application A-2023-0298 is supportable in part, 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 0.64m (2.1 ft) path of travel leading to the primary entrance to a second unit whereas the by-law requires an 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 be refused;
3. That the proposed above grade entrance shall not be used as a primary entrance to access a registered or unregistered second unit;
4. The owner shall obtain a building permit within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Institutional 1- Special Section 526 (I1-526)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing above grade entrance in the side yard having a minimum width of 0.64m (2.1 ft.) extending from the front wall of the dwelling up to the door, whereas, the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door; and
2. To permit a 0.64m (2.1 ft.) wide pedestrian path of travel leading to the principal entrance of an additional residential unit whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2m (3.94 ft.) leading to the principal entrance of an additional residential unit.

Current Situation:

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

Variance 1 is requested to permit an above grade door in the side wall where a minimum side yard setback of 0.64m (2.1 ft.) is provided extending from the front wall of the dwelling up to and including the door whereas the by-law only permits an above grade side entrance where the side yard within which the door is located has a minimum width of 1.2m (3.94 ft.) up to and including the door. 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.

Variance 2 is requested to permit a 0.64m (2.1 ft.) wide pedestrian path of travel leading to the principal entrance of an additional residential unit whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2m (3.94 ft.) leading to the principal entrance of an additional residential unit. Upon review of the application by the City's Building staff, the proposed 0.64m path of travel leading to the primary entrance to a second unit is not sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. Variance 2 would fail to comply with minimum OBC requirements and therefore is not maintaining the intent and purpose of Official Plan.

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

Variance 1 is requested to permit a proposed above grade side door in the side wall where a minimum side yard width of 0.64m (2.1 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. The intent of the by-law in requiring a minimum 1.2m (3.94 ft.) 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 and access to the rear yard.

The variance is related to the interior side yard setback resulting from a proposed above grade door. The 0.64m (2.1 ft.) setback is considered to provide sufficient space for drainage and does not affect access to the rear yard. The reduced 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 unit. Subject to the recommended conditions of approval, variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a 0.64m path of travel leading to the principal entrance for a second unit whereas the by-law requires an unencumbered side yard width of 1.2m 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 1.2m (3.94 ft.) path of travel 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.

In relation to Variance 2, a proposed path of travel measuring 0.64m is not found to be reasonable nor adequate to provide safe and easy access for emergency and everyday use. Furthermore, upon staff review, the City's Building department has advised that a permit would not be issued for a legal second unit given the non-compliance with the requirements of the Ontario Building Code. Staff recommend that Variance 2 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 the primary entrance to a secondary unit, an alternate primary entrance to the secondary unit must be provided. A condition of approval is recommended that the proposed above grade side door shall not be used to access a registered or unregistered second unit.

3. Desirable for the Appropriate Development of the Land

In relation to Variance 1, the variance is intended to permit proposed site conditions for an above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. Staff have no concerns with the reduced side yard setback requirements in regard to drainage or access to the rear yard. 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 0.64m (2.1 ft) wide pedestrian path of travel leading to the principal entrance of an additional residential unit be refused. A

condition of approval is to be recommended that should the Committee approve Variance 1, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted to be used as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a second dwelling unit, as per the Ontario Building Code (OBC).

4. Minor in Nature

Variance 1 is to permit the construction of an above grade door with a reduced side yard setback is not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, Variance 1 is minor in nature.

Staff recommend that Variance 2 to permit a 0.64m (2.1 ft) wide pedestrian path of travel leading to the principal entrance of an additional residential 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 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, as per the Ontario Building Code (OBC).

Respectfully Submitted,

BSuchomel

Ben Suchomel, Student Planner

Site Visit Photos

