



Report Committee of Adjustment

Filing Date: October 17, 2023
Hearing Date: November 14, 2023
File: A-2023-0320
**Owner/
Applicant:** JAGRAJ SINGH SEKHON
Address: 25 KAMBALDA ROAD
Ward: WARD 6
Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0320 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 proposed above grade side door not be used as a primary entrance to a registered or unregistered second unit dwelling; and,
 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 – Fx - Special Section 2556 (R1F-9.0-2556)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 0.62m (2.03 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.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density' in the Mount Pleasant Secondary Plan (Area 51). The requested variances are not considered to have no impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approvals, the requested variances are considered to maintain the general intent of the Official Plan.

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

The property is zoned 'Residential Single Detached – Fx - Special Section 2556 (R1F-9.0-2556)', according to By-law 270-2004, as amended.

The variance is required to permit an above grade entrance in a side yard having a minimum width of 0.62m (2.03 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. The intent of the By-law in regulating the location of an above grade side door entrance is to ensure that there is adequate space to maintain a path of travel and access to the side door without the potential of trespassing on neighbouring property. Subject to the recommended conditions of approval, the requested variance is found to maintain the general intent and purpose of the By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 to permit an above grade entrance in a side yard having a minimum width of 0.62m 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 extending from the front wall of the dwelling up to and including the door is not anticipated to create negative impacts or alter the functionality of the site. Upon review of the application by the City's Building staff, the proposed 0.62m path of travel leading to the entrance of a second unit is not sufficient for the required egress path to a public thoroughfare as outlined in the Ontario Building Code. 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. The applicant is advised that the use of the entrance would fail to comply with minimum OBC requirements should it be proposed to access a second unit. A condition of approval is recommended that the side door not be used as a primary entrance to a registered or unregistered second unit dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance will facilitate the construction of an above grade door in the side wall with a reduced path of travel is not considered to have any significant impact on drainage or adversely affect access to the rear of the property. As such, the requested variance, subject to the recommended conditions of approval, is deemed minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development