



## Report Committee of Adjustment

**Filing Date:** November 3, 2023  
**Hearing Date:** December 19, 2023

**File:** A-2023-0343

**Owner/  
Applicant:** Vishal Arora, Charu Arora  
Shivang Tarika

**Address:** 15 Caboose Street

**Ward:** Ward 6

**Contact:** Emily Mailling, Planning Technician

---

### **Recommendations:**

That application A-2023-0343 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 below grade entrance shall not be used to access an unregistered second unit;
  3. That drainage on adjacent properties should not be adversely affected;
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. The developer's engineer responsible for the subdivision has provided comments on the proposal stating no concern 'see appendix 2'. Until the subdivision is assumed, the developer is responsible for ensuring that ongoing requirements of the subdivision under maintenance be respected, including requirements relating to drainage and grading. The proposed (*below grade entrance*)

could impact the lot grading requirements or drainage in the interior side yard of the subject property for which the developer is currently responsible.

Existing Zoning:

The property is zoned 'Residential Single Detached Special Section 2252 (R1F-2452)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 0.25 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres is provided on the opposite side of the dwelling.

**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 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

Variance 1 is requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.25 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres is provided on the opposite side of the dwelling. The intent of the by-law in prohibiting an exterior stairway to a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still allowing access to the rear yard.

When completing a review to determine whether the location of a below grade entrance and resulting interior side yard setback are appropriate, staff look to ensure that its

location will not contribute to disturbance onto adjacent properties by way of drainage or access. Despite the setback being reduced to 0.25m, access to the rear yard is maintained as the design of the below grade entrance will not impede travel to the rear yard due to the continuous path that is presented. Two step risers are proposed on either side of the entrance which eliminates the need to trespass on to the neighbours' property. Subject to the conditions of approval, 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

Variance 1 is requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard and Variance 2 is requested to permit an interior side yard setback of 0.25m to a proposed exterior stairway leading to a below grade entrance. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and rear yard is provided due to the construction of two step risers on either side of the entrance. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variances pertaining to the existing side yard setback and provision of a below grade entrance are not considered to have negative impacts on the neighbouring property or in access to the rear yard. The risers on both sides of the landing coupled with a clear path of travel on the opposite side yard of the property allows the provision of rear yard access without encroaching on to the neighbouring property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

### **Appendix 1: Site Visit Photos**



## Appendix 2: Developer's Response

---

[REDACTED] >

**Sent:** Thursday, November 23, 2023 1:37 PM

[REDACTED] >

**Subject:** [EXTERNAL]RE: CofA A-2023-0343 (15 Caboose St)

**Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.**

No objections as long as property line swale elevations are not changed.

Thanks,

**Trevor Arndt, P. Eng.**  
RAND Engineering Corporation

[REDACTED]