



## Report Committee of Adjustment

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

**File:** A-2023-0346

**Owner/  
Applicant:** **Gourav Kapoor  
Shivang Tarika**

**Address:** **3 Elmcrest Drive**

**Ward:** Ward 6

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2023-0346 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.
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### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Single Detached F Special Section 2135 (R1F-2135)', 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 0.11 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum side yard setback of 1.2 metres

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Medium Density' in the Credit Valley Secondary Plan (Area 45). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan. 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. The requested variances are considered to maintain 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 0.11 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum side yard setback of 1.2 metres. The intent of the by-law in prohibiting a below grade entrance in the interior side yard and requiring a minimum interior side yard setback is to ensure that adequate space is provided to allow for drainage, while still allowing access to the rear yard and preventing the encroachment on any neighbouring property.

The owner is proposing to construct an exterior stairway leading to a below grade entrance on the western wall of the existing dwelling. A remaining 0.11m setback to the exterior stairway is proposed. The subject property has a two-storey detached dwelling with a 0.66m (2.16 ft.) path of travel along the eastern wall of the dwelling which would ensure sufficient access to the rear yard is maintained. 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

Variances 1 and 2 are requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard and to permit a reduction to the interior side yard setback. Despite the proposed exterior stairway resulting in a decreased interior side yard setback, staff are satisfied with the proposal and entrance configuration as an unobstructed path of travel is maintained on the opposite side of the property, limiting opportunity for encroachment on adjacent parcels. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

#### 4. Minor in Nature

The location of the proposed exterior stairway and reduced interior side yard setback are not considered to impact access to the rear yard. The proposed location of the below grade entrance is appropriate given the site context. Staff have determined that sufficient space is provided to allow for drainage and therefore, should not negatively impact abutting properties. No concerns regarding access to the rear yard are anticipated as a path of travel is maintained on the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

#### **Site Visit Photos**



