



Report Committee of Adjustment

Filing Date: May 1, 2023
Hearing Date: May 30, 2023

File: A-2023-0127

**Owner/
Applicant:** VINOD CHOPRA

Address: 8 Matterhorn Road

Ward: WARD 6

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0127 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 drainage on adjacent properties should not be adversely affected;
 3. The proposed below grade entrance shall not be used to access an unregistered second unit; and
 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 2214 (R1F-9.0-2214)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To allow an exterior stairway to a below grade entrance in the required interior side yard whereas a below grade entrance is not permitted in the required interior side yard;
2. To allow an interior side yard setback of 0.12 metres (0.40 ft.) to a below grade entrance whereas the by-law requires a side yard setback of 1.2 metres (3.97 ft.); and
3. To permit a 1.09 metre (3.05 ft.) path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard width of 1.2 metres (3.94 ft.) to be provided as a path of travel from the front yard to the entrance to the second unit.

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 Residential' in the Mount Pleasant Secondary Plan (Area 51). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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 an exterior stairway to a below grade entrance in the required interior side yard whereas a below grade entrance is not permitted in the required interior side yard. Variance 2 is requested to allow an interior side yard setback of 0.12 metres to a below grade entrance whereas the by-law requires a side yard setback of 1.2 metres. 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 sufficient space is provided to allow for drainage, while still allowing access to the rear yard. When evaluating whether the location of a below grade entrance and resulting interior side yard setback is appropriate, staff look to ensure that its location will not contribute to trespassing onto adjacent properties. Despite the 0.12 metre setback, the possibility of an encroachment is mitigated as two step risers are provided on both sides of the entrance.. City Engineering Staff have reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting 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.

Variance 3 is requested to permit a 1.09 metres path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard with of 1.2 metres 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 requiring an unencumbered side yard width of 1.2 metres is to ensure that residents do not encroach on neighbouring properties in order to gain access to their dwelling. Staff are aware that there is a registered second unit in the basement of the home and the entrance is in the rear side of the lot. In order to avoid trespassing on neighbouring properties, the applicant has said that the steps leading to and from the proposed side entrance can be utilized as a path of travel to access the entrance in the

rear of the home. Subject to the conditions of approval, Variance 3 is 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 an exterior stairway to a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit an interior side yard setback that is less than what is required by the Zoning By-law. Variance 3 seeks to allow the stairs to be used as a path of travel leading to the registered second unit entrance in the rear of the house. Despite the below grade entrance resulting in a reduction to the interior setback requirements set out in the Zoning By-law, Staff are satisfied that with the current proposal which features two riser steps in both directions as it provides an unobstructed path of travel to and from the front and rear yard. Conditions of approval have also been included noting that the proposed below grade entrance shall not be used to access an unregistered second unit. Given the context of the site, Staff believe that the stairs will be appropriately located. Subject to the recommended conditions of approval, Variance 1, 2 and 3 are appropriate for the development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard as residents will not need to encroach on adjacent lots. The location of the proposed below grade entrance to access the house 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 negative impacts or access are anticipated as the applicant has agreed that the exterior stairway for the below grade entrance in the side yard can be used as a path of travel to access the entrance of the registered second unit in the rear yard. Subject to the recommended conditions of approval, Variance 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

