



## Report Committee of Adjustment

**Filing Date:** December 20<sup>th</sup>, 2023

**Hearing Date:** January 23<sup>rd</sup>, 2023

**File:** A-2023-0371

**Owner/  
Applicant:** MOHINDER & PARMJIT KANDOLA

**Address:** 188 Willow Park Dr

**Ward:** WARD 9

**Contact:** Paul Brioux, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0371 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 and the subject property shall not be adversely affected; 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 – Special Section 881 (R1D – 881)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variance:

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 0.09 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 subject property is designated 'Residential' in the Official Plan, and further designated 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. As stated in Official Plan Section 3.2.8.2(ii), a second unit must comply 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 0.09 metre to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metre 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 metre (3.94 feet) is provided on the opposite side of the dwelling.

The intent of the by-law in prohibiting below grade entrances in the interior side yard where the side yard setback is less than 1.2m (3.94 ft) and where the setback to the stairs is less than 0.3m (0.98 ft) is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line. Due to the design of the proposed exterior stairway, the proposal is not anticipated to restrict the ability to access the rear yard as an adequate amount of side yard is maintained for site circulation on the opposite side of the dwelling. Additionally there are no anticipated impacts to drainage on site of or off site.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

#### **3. Desirable for the Appropriate Development of the Land**

The proposed exterior stairway leading to a below grade entrance located within the required interior side yard and is not anticipated to significantly affect the subject property or adjacent properties. The requested variances are considered to maintain the general intent and function of the subject property. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied with the current proposal as drainage on adjacent properties is not considered to be affected as permeable surfaces are persevered and an unobstructed path of travel to and from the front and rear yard is maintained on both sides of the dwelling.

Subject to the recommended conditions of approval, the requested variances are considered desirable for the appropriate 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. The location of the proposed below grade entrance to access the house is appropriate given the site context. The requested variances are not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

*Paul Brioux*

Paul Brioux, Assistant Development Planner

Appendix A:

