



Report Committee of Adjustment

Filing Date: November 24, 2023

Hearing Date: January 23, 2024

File: A-2023-0376

**Owner/
Applicant:** SUTHAKARAN MAKENDRAN

Address: 9 Delphinium Way

Ward: WARD 2

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0376 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 shall not be adversely affected;
 3. That the 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 Semi-Detached F - Special Section 3458 (R1F-12.4-3458)', 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 interior 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 0.11m (0.36 ft.) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 0.3m (0.98 ft.).

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 Northwest Sandalwood Parkway Secondary Plan (Area 2A). 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 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 interior 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 0.11m (0.36 ft.) to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 0.3m (0.98 ft.). The intent of the by-law in regulating the exterior stairway to a below grade entrance in the interior side yard and requiring a minimum interior side yard setback measurement is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting 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 the location will not contribute to disturbance onto adjacent properties by way of drainage or access. Despite the setback being reduced to 0.11m (0.36 feet), 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. Three step risers are proposed on either side of the entrance which eliminates the need to trespass on adjacent 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 an exterior stairway leading to a below grade entrance in the side yard, whereas this is not permitted as per the Zoning By-law. Variance 2 is requested to permit an interior side yard that is less than what is required by the Zoning By-law. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied 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 three step risers on either side of the entrance. An additional path of travel is located on the opposite side of the house which is 1.25m (4.13 ft.) in width. 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 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 trespass on neighbouring lots. Staff have determined that sufficient space is provided to allow for drainage through the use of permeable landscaping features and therefore, the stairway is not anticipated to cause drainage issues on abutting properties or on the subject land. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis".

Ellis Lewis, Assistant Development Planner

Appendix A:

