



Report Committee of Adjustment

Filing Date: December 20th, 2023

Hearing Date: January 23rd, 2023

File: A-2023-0392

Owner/

Applicant: RAJWINDER KAUR RASODA & NARINDER SINGH RASODA

Address: 11 Tiger Crescent

Ward: WARD 9

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2023-0392 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:

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 not provided comments on the proposal. 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*) may impact the lot grading or drainage requirements 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 R1F – Special Section 2367 (RIF-13-2367)', 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 0.11 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 (3.94 feet) 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' in the Countryside Villages (Area 48b). 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 0.11 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 (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 0.3 metres (0.98 feet) and where the setback to the stairs is less than 1.2 metres (3.94 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.

The proposed exterior stairway leading to a below grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of space for access is maintained on the opposite side of the property. Additionally there are no anticipated impacts to drainage as permeable surfaces are being preserved.

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 requested variances to facilitate a new entrance within the required interior side yard and are not anticipated to significantly affect the subject property or adjacent properties. Conditions of approval 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 have been included. 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. 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:

