



Report Committee of Adjustment

Filing Date: December 14, 2023

Hearing Date: January 23, 2024

File: A-2023-0402

**Owner/
Applicant:** Gurunoor Kaleka, Harpreet Kaleka
Shivang Tarika

Address: 42 Donald Stewart Road

Ward: WARD 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2023-0402 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 owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the below grade entrance shall not be used to access an unregistered second unit; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

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 provided comments on the proposal stating no concern 'see appendix C'. 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 requirements or drainage of the subject property for which the developer is currently responsible.

Existing Zoning:

The property is zoned 'Residential -Special Section 2227 (R1F-9.0-2227)', 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 located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line; and
2. To permit an exterior side yard setback of 1.36m (5.54 ft.) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).
3. To permit a 1.02 metre pedestrian path of travel to the entrance of the second unit whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres to the entrance of 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 (Area 51). 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, 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 seeks to permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit exterior stairways constructed below established grade to be located between the main wall of a dwelling and the flankage lot line. The intent of the by-

law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection.

Variance 2 seeks to permit an exterior side yard setback of 1.36m (5.54 ft) to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft). The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

Variance 3 seeks to permit a 1.02 metre pedestrian path of travel to the entrance of the second unit, whereas the by-law requires an unobstructed pedestrian path of travel having a minimum width of 1.2 metres to the entrance of the second unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

The below grade entrance is proposed to be constructed along the western wall of the dwelling fronting Bushwood Trail. The subject property is a corner lot located at the northeast intersection of Bushwood Trail and Donald Stewart Road. The applicant provided a revised Site Plan (Appendix B) which illustrates that the entrance will be screened from the streetscape using forms of vegetation/shrubs. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will be screened, limiting visual impact. City Engineering Staff have also 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, 2, and 3 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, 2, and 3 are requested to permit an exterior stairway leading to a below grade entrance which will be located between the main wall of the dwelling and the front of a flankage lot line and encroach into the exterior side yard setback, and reduce the path of travel. The addition of the below grade entrance should not interfere with the streetscape of the community as the applicant has submitted a revised Site Plan (Appendix B) which depicts the stairway and entrance being screened by the addition of planters. It is recommended that a condition of approval be that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the sitting of the property. Subject to the recommended condition of approval, Variances 1, 2, and 3 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1, 2, and 3 are requested to permit an exterior stairway to a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback, and reduce the path of

travel. Given that the below grade entrance will be screened by vegetation that will be adjacent to the side lot line, Staff are satisfied that the existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are considered minor in nature.

Respectfully Submitted,

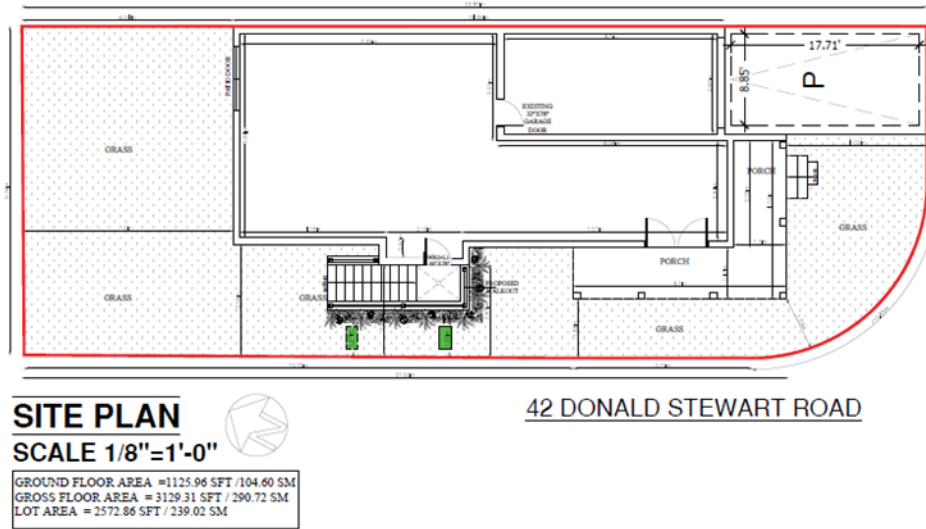
EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos



Appendix B: Revised site Plan



Appendix C: Builder's comments

From: Trevor Arndt [REDACTED]
Sent: Thursday, January 4, 2024 5:15 PM
To: Van Vugt, Robert [REDACTED]
[REDACTED]
Subject: [EXTERNAL]RE: CofA A-2023-0402 (42 Donald Stewart Rd)

Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.

Hi Bob,

We have no objection to the proposed basement entrance for the west unit of Block 169 (42 Donald Stewart Rd.).

If the City will require a walkway to the proposed entrance could you please make this a condition of the permit.

Thanks,

Trevor Arndt, P. Eng.
RAND Engineering Corporation
5285 Solar Drive, Mississauga, ON L4W 5B8
[REDACTED]