



Report Committee of Adjustment

Filing Date: December 12, 2023

Hearing Date: January 23, 2024

File: A-2023-0394

**Owner/
Applicant:** SAMPURAN KHEHRA & DAVINDER KHEHRA

Address: 52 Kingknoll Drive

Ward: WARD 4

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0394 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 applicant obtains a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 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.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached D - Special Section 2592 (R1D-2592)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing 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 0.48m (1.57 ft.) to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 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 and Medium Density Residential' in the Fletcher's Creek Secondary Plan (Area 24). 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 0.48m (1.57 ft.) to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in regulating the distance between an exterior stairway to a below grade entrance in the interior side yard and the interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still allowing access to the rear yard.

As the proximity from the constructed stairway to the side yard property line will be reduced, the by-law intends to also regulate the path of travel on the opposite side of the home. The subject property is a two-storey detached house with a 1.05m (3.44 ft.) path of travel on the opposite side of the property which can still provide access to the rear yard. A path of travel 0.48m (1.5 ft.) will be adjacent to the constructed steps, offering an additional path of travel. Despite the decreased setback between the

side door entrance and the property line, the design will not facilitate conditions where the homeowners are encouraged to trespass on the neighbouring 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

Variances 1 and 2 are requested to permit a below grade entrance in the interior side yard and to permit a reduced side yard setback, as this is the path that leads to the below grade entrance. Staff are satisfied with the proposal and entrance configuration as an unobstructed path of travel is maintained on the opposite side of the property and on the side of the below grade entrance, limiting opportunity for encroachment on adjacent parcels. The applicant has informed City Staff about the removal of the roof structure that is located above the below grade entrance, as this has not been identified on the provided Site Plan. A condition of approval has also been included noting that the below grade entrance shall not be used to access an unregistered second unit. 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 side yard setback reduction 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 and the construction of the existing home. Staff have concluded that adequate space is provided to allow for drainage and therefore, should not negatively impact abutting properties. No negative impacts to drainage or access are anticipated and access to the rear yard is maintained. 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:

