



Report Committee of Adjustment

Filing Date: February 17th, 2023

Hearing Date: March 28th, 2023

File: A-2023-0049

**Owner/
Applicant:** JAYASANKAR RAMANATHAN

Address: 84 SLEIGHTHOLME CRES

Ward: WARD 10

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0049 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 the owner shall obtain a building permit within 60 days of the decision of approval;
 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 F-11.6 – (R1F-11.6)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the 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 0.07m (0.23 ft) to a proposed below grade entrance whereas the by-law requires a minimum interior side yard setback of 0.3m (0.98 ft) provided that a continuous side yard width of no less than 1.2m (3.94 ft) is provided on the opposite side.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and further designated 'Low Density Residential' in the Bram East Secondary Plan (Area 41). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is 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 an exterior stairway leading to a below grade entrance in the 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 0.07m (0.23 ft) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 0.3m (0.98 ft) provided that a continuous side yard width of no less than 1.2m (3.94 ft) is provided on the opposite side. The intent of the by-law in prohibiting an exterior stairway leading to a below grade entrance in the required interior side yard and regulating interior side yard setbacks to below grade entrances is to ensure that sufficient space is maintained to access the rear yard of the property and provide sufficient drainage between the stairs and the property line.

Through City engineering staff review of the proposed development, they provided confirmation that sufficient area of 0.07m (0.23 ft) for drainage purposes is maintained. Furthermore, staff are satisfied that the 1.2m (3.94 ft) path of travel located on the opposite interior side of the dwelling maintains an unobstructed path of travel to the rear yard. A condition of approval is also recommended that the below grade entrance shall not be used to access an unregistered second unit and that the owner shall obtain a building permit within 60 days of the decision of approval. Subject to the recommended conditions of approval, the variances maintain the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to allow for an exterior stairway leading to a below grade entrance in the required interior side yard and an interior side yard setback that does not meet the requirements of the Zoning By-Law. While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied that overall access to the rear yard can be maintained through the 1.2m (3.94 ft) path of travel provided on the other side of the dwelling.


A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit and that the owner shall obtain a building permit within 60 days of the decision

of approval. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit existing site conditions for an exterior stairway leading to a below grade entrance in the required interior side yard and a reduced interior side yard setback. The proposed reduced interior side yard setback to permit a below grade entrance is not considered to impact access to the rear yard or drainage on adjacent properties, as adequate drainage and access to the rear yard can be maintained through the 1.2m (3.94 ft) path of travel located on the other side of the dwelling. As such, Variances 1 and 2 are deemed minor in nature. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Site Visit Photos:

