



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0083

Owner/

Applicant: **MANPREET SINGH**

Address: **23 FULLER STREET**

Ward: WARD 5

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0083 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;
 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 – Special Section 2483 (RE1-2483)', 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 side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit a 0.1 metres side yard setback to a proposed exterior stairway leading to a below grade entrance in the required interior side yard, resulting in a combined side yard width of 0.74 metres, whereas the by-law requires a minimum side yard setback of 1.2 metres provided that the combined total for both side yards on an interior lot is 1.8 metres.

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 2' in the Credit Valley Secondary Plan (Area 45). 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 a 0.1 metres side yard setback to a proposed exterior stairway leading to a below grade entrance in the required interior side yard, resulting in a combined side yard width of 0.74 metres, whereas the by-law requires a minimum side yard setback of 1.2 metres provided that the combined total for both side yards on an interior lot is 1.8 metres.

The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum setback 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 existing 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 either 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 an existing 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 condition of approval, the requested variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

Given the recommendations of approval, staff are satisfied that the existing drainage and access to the rear yard will not be negatively impacted by the proposed below grade entrance, nor would the variances facilitate the use of the stairway/entrance for access to an unregistered unit. The variances, subject to the conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

