



Report Committee of Adjustment

Filing Date: April 24th, 2024

Hearing Date: May 21st, 2024

File: A-2024-0115

Owner/

Applicant: Triveni Kumar Awasthi, Kanchan Awasthi

Address: 20 KELTON ROAD

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0115 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:

Existing Zoning:

The property is zoned 'Residential Single Detached – Special Section 1231 (R1C-1231)', 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; and

2. To permit an interior side yard setback of 0.12m to a proposed exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m.

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 Residential' Fletchers Meadow Secondary Plan (Area 44). The requested variances are not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed 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 0.12m to a proposed exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m.

The intent of the Zoning By-law in prohibiting below grade entrances in the exterior side yard and requiring minimum setbacks 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.

In the case of the single-detached dwelling situated on a lot with rear yard access provided on either side of the dwelling, a proposed below grade entrance with staircase along the eastern wall of the dwelling will result in a setback that does not comply with the by-law. However, despite this setback reduction, rear yard access remains feasible. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway and access is maintained on the opposite side of the property. Additionally, the proposal includes one step risers flanking the entrance, eliminating the need to encroach upon neighboring properties.

The 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 proposed variances are requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard and a reduced interior side yard setback of 0.12m. The addition of the below grade entrance should not interfere with access to the rear yard nor negatively impact drainage on adjacent properties. A condition of approval has been included that adjacent properties are not adversely affected and that the below grade entrance shall not be used to access an unregistered second unit.

Subject to the conditions of approval the variances are considered appropriate for the 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