



Report Committee of Adjustment

Filing Date: April 24th, 2024

Hearing Date: May 21st, 2024

File: A-2024-0135

**Owner/
Applicant:** SHASHWAT KARKEE / HARJINDER SINGH

Address: 16 MISTDALE CRESCENT

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0135 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 an unobstructed continuous path of travel to the below grade entrance be provided; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached 976 (R2A-976)', 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 a stairway constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 0.08 metres to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres.

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' in the Fletchers Creek Secondary Plan (Area 45). The requested variance is not considered to have significant impacts within the context of the Official Plan. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential 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 nature and extent of the proposed variances 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 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 to permit an interior side yard setback of 0.08 metres to an existing exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres. 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 semi-detached dwelling situated on a lot with rear yard access provided on one side of the dwelling, a proposed below grade entrance with staircase along the northeastern 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. Additionally, the proposal includes two 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 interior stairway leading to a below grade entrance and to permit an interior side yard setback of 0.08 metres. The addition of the below grade entrance and reduced side yard setback 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. Similarly, a condition has been added to provide an unobstructed path of travel to the below grade entrance in order to ensure safety and ease of access.

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 proposed drainage and access to the rear yard will not be negatively impacted by the existing below grade entrance nor would the variance 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

Appendix 1

