



Report Committee of Adjustment

Filing Date: March 22nd, 2024
Hearing Date: June 18th, 2024

File: A-2024-0079

**Owner/
Applicant:** VISHAL ANAND & SONAL CHAUDHARY
SHIVANG TARIKA

Address: 80 DONALD STEWART RD

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0079 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; and,
 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 2556 (R1F-2556)', 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 0.09 metres to a proposed 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 Density' Mount Pleasant Secondary Plan (Area 51). 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. While staff are supportive of the requested variances 1 and 2, it is noted that it will not be suitable for the primary access to a secondary suite if it would fail to meet minimum Ontario Building Code requirements. The requested variances 1 and 2 are not considered to have significant impacts within the context of the Official Plan and 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 0.09 metres to a proposed 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 by-law in requiring a minimum side yard setback and prohibiting below grade entrances in a required side yard is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard.

Although the design of the stairway prevents access to the rear of the dwelling on the western side of the dwelling, access to the rear yard is maintained on the opposite side of the single detached dwelling. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended 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

The requested variances are to facilitate the construction of a proposed separate entrance within the side yard for the purpose of creating an additional residential unit. The variance to reduce the resulting setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. The variances are not anticipated to interfere with access to the rear yard nor negatively impact drainage on adjacent

properties. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

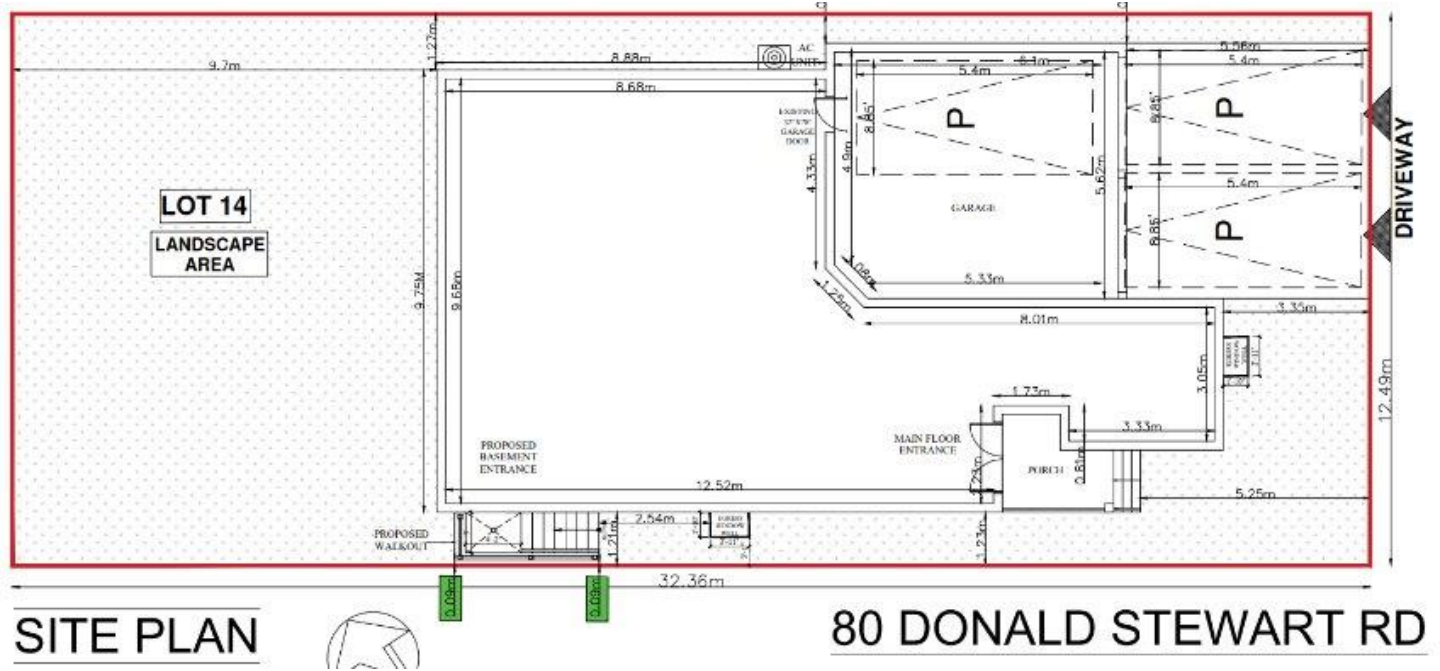
The requested variances will facilitate the creation of an exterior stairway leading to a below grade entrance by permitting a reduced setback and its location. The variances are not anticipated to have significant impact on drainage or limiting access to the property due to the site context of the property maintaining access on the opposite side of the dwelling. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:



SITE PLAN



80 DONALD STEWART RD