



Report Committee of Adjustment

Filing Date: April 24, 2024

Hearing Date: June 18, 2024

File: A-2024-0138

**Owner/
Applicant:** Thusyanthi Vijyan
Shivang Tarika

Address: 306 Remembrance Road

Ward: Ward 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0138 be refused.

Background:

Staff sent correspondence to the applicant discussing the concerns noted by the City's Engineering department. Despite the efforts made by the staff to obtain additional follow-up from the applicant, no modifications to their original application or site plan have been submitted at the time of the submission of this report.

Existing Zoning:

The property is zoned 'Residential Special Section 2452 (R1F-SS 2452)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.23 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.; and

2. 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.

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Low/Medium Density' in the Mount Pleasant Secondary Plan (Area 51). The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and 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

The property is zoned 'Residential Special Section 2452 (R1F-SS 2452)', according to By-law 270-2004, as amended.

Variance 1 is requesting to permit an interior side yard setback of 0.23 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. Variance 2 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. The intent of the by-law in prohibiting below grade entrances in the required side yard 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 is not impacted.

Staff have reviewed the application and have concerns relating to location of the below grade entrance relative to an existing storm sewer line located along the side yard of the property. Engineering Staff provided comments stating that they do not support the proposed below grade entrance due to the rear lot catch basin (RLCB) storm sewer line running along the side yard where the below grade entrance is proposed. Staff have communicated the matter with the applicant.

The requested variances are anticipated to impact the storm sewer line on site and are therefore not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed exterior stairway leading to a below grade entrance in a required side yard is anticipated to significantly affect the subject property and adjacent property due to the location of the storm sewer line. The requested variances are not considered desirable for the appropriate development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are anticipated to have a negative impact on a RLCB storm sewer line running along the side yard. Staff have determined that sufficient space has not been provided to allow the construction of a below grade entrance in relation to the location of the storm sewer line. As such, Variances 1 and 2 are not considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Site Visit Photos

