



## Report Committee of Adjustment

**Filing Date:** May 9, 2024

**Hearing Date:** June 18, 2024

**File:** A-2024-0151

**Owner/  
Applicant:** **BALPREET SINGH SACHDEVA, NIMERTA SACHDEVA  
SACHIN TRIVEDI**

**Address:** **34 LOST CANYON WAY**

**Ward:** Ward 5

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0151 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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:**

The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. The developer's engineer responsible for the subdivision has provided comments on the proposal stating the applicant is to take responsibility for the site grading 'see appendix 2'. Until the subdivision is assumed, the developer is requesting that the applicant be responsible for ensuring that ongoing requirements of the subdivision under maintenance be respected, including requirements relating to drainage and grading. The proposed below grade entrance could impact the lot grading

requirements or drainage in the interior side yard of the subject property for which the developer is requesting that the applicant be responsible for.

Existing Zoning:

The property is zoned 'Residential Single Detached (R1E)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.03 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres is provided on the opposite side of the dwelling.

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Residential Low Density 1' in the Credit Valley Secondary Plan (Area 45). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 an interior side yard setback of 0.03 metres to a proposed exterior stairway leading to a below grade entrance in the required interior side yard, whereas the by-law requires a minimum setback of 0.3 metres to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2 metres is provided on the opposite side of the dwelling. The intent of the by-law in requiring a minimum amount of interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still allowing access to the rear yard.

When completing a review to determine whether the location of a below grade entrance and resulting interior side yard setback are appropriate, Staff look to ensure that its location will not contribute to disturbance onto adjacent properties by way of drainage or access. Despite the setback being reduced to 0.03m, access to the rear yard is maintained on the opposite side of the property. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit an interior side yard that is less than what is required by the Zoning By-law. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current proposal has an unobstructed path of travel to and from the front and rear yard provided on the opposing side of the dwelling. Conditions of approval have also been included 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. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

### 4. Minor in Nature

The requested variance pertaining to the proposed side yard setback and provision of a below grade entrance are not considered to have negative impacts on the neighbouring property or in access to the rear yard. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

### Appendix 1: Site Visit Photos



## Appendix 2: Developer's Response

**Mailling, Emily**

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**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL]FW: CofA A-2024-0151 (34 Lost Canyon Way) Lost Canyon Way Development - 4879  
**Attachments:** A-2024-0151 - Submitted Application.pdf

**Caution: This email originated from outside the organization. Do not click links or open attachments that you do not trust or are not expecting.**

Hi Adam,

We have reviewed the attached application and request the following note;

"The Applicant is responsible to maintain proper drainage along the mutual property line swale. The Applicant will hold harmless and release the builder Tiffany Park Homes for any potential future repairs and deficiencies to the approved grading by the City. The grading deficiencies were inspected and passed on December 5, 2023".

Thank you,  
Levon Fermanian, P. Eng.  
Partner



6 Ronrose Drive, Concord, Ontario, L4K 4R3  
(905) 738-6100 ext.288 C: 416-571-8244

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