



Report Committee of Adjustment

Filing Date: May 13, 2024
Hearing Date: June 18, 2024

File: A-2024-0159

**Owner/
Applicant:** MANDEEP S SADIOURA

Address: 30 Sister Oreilley Road

Ward: WARD 10

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0159 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 shall 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 E- Special Section 2388 (R1E-15.0-2388)', 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 0.04 metres (0.13 feet) to an existing exterior stairways leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres (0.98 feet) 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 (3.94 feet) 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 'Executive Transition Residential' in the Vales of Humber Secondary Plan (Area 50). The requested variances are 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 variance 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 an interior side yard setback of 0.04 metres (0.13 feet) to an existing exterior stairways leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3 metres (0.98 feet) 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 (3.94 feet) is provided on the opposite side of the dwelling.

The intent of the by-law in requiring a minimum interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard. Despite the setback reduction to one side of the property, rear yard access remains feasible as there is a path that is 1.25 metres (4.10 feet) wide on the opposite side of the home. Subject to the conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance was submitted to have a side yard setback reduced to assist with facilitating the construction of a proposed separate entrance within the required interior side yard. 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. The by-law has a requirement for a minimum side yard setback of 0.3 metres (0.98 feet), whereas 0.04 metres (0.13 feet) is being requested. The submitted Site Plan demonstrates that access to the front and rear of the house through this side of the lot is provided on the opposite side of the property. Subject to the recommended condition of approval, the proposed variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance will assist in facilitating the creation of an exterior stairway leading to a below grade entrance by permitting a reduced setback. The variance is not anticipated to have significant impact on drainage or limit access to the property, due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the requested variance is deemed minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

