



Report Committee of Adjustment

Filing Date: May 13, 2023
Hearing Date: June 18, 2024

File: A-2024-0160

**Owner/
Applicant:** **Alma Mater Homes Corporation
Shivang Tarika**

Address: **9 Sams Court**

Ward: WARD 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0160 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 drainage on adjacent properties shall not be adversely affected;
 3. The owner obtain a building permit for the below grade entrance and roof structure within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official
 4. Condition about the fence remaining.
 5. That the below grade entrance shall not be used to access an unregistered second unit; and
 6. 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 -Special Section 1195 (R1D-1195)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior side yard setback of 2.59 metres to an existing below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres;
2. To permit an existing 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 exterior side yard.

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 Residential' in the Fletcher's Meadow Secondary Plan (Area 44). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. 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, Property Standards By-law and other applicable approval requirements. The requested 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

The Variance seeks to permit an exterior side yard setback of 2.59 metres to an existing below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

City Engineering Staff have reviewed the application and are satisfied that the existing below grade entrance does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, 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 variance is requested to permit an exterior side yard setback of 2.59 metres to an existing below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres. It is recommended that a condition of approval be that the below grade entrance shall not be used to access an unregistered second unit, and that the

owner shall obtain a building permit within 60 days of the decision of approval. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the sitting of the property. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The Variance is requested to permit an exterior side yard setback of 2.59 metres to an existing below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, The Variance is considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix 1: Site Visit Photos

