



Report Committee of Adjustment

Filing Date: May 4, 2024
Hearing Date: July 16, 2024

File: A-2024-0197

**Owner/
Applicant:** **Smitha Kavungal Sudarshanan, Mahendra Ramachandran
Pavneet Kaur**

Address: **529 Edenbrook Hill Drive**

Ward: Ward 6

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0197 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;
 4. The owner shall obtain a building permit within 60 days of the decision of approval, or within an extended period of time at the discretion of the Chief Building Official and;
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Staff note that the existing below grade entrance has been constructed without a building permit. Should the committee approve the application for minor variance, a condition is recommended by staff that the owner shall obtain a building permit within 60

days of the decision of approval. Staff further note that the recommendation to approve the variances is solely in relation to the submitted sketch and does not account for existing site conditions.

Existing Zoning:

The property is zoned 'Residential (R1F)', 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 0.04 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other side provided that the combined total for both side yards on an interior lot is 1.8 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 Density Residential" in the Mount Pleasant Secondary Plan (Area 51). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and 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 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 0.04 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum side yard setback of 1.2 metres on one side and 0.6 metres on the other side provided that the combined total for both side yards on an interior lot is 1.8 metres.

The intent of the by-law in prohibiting an exterior stairway to a below grade entrance in the interior side yard and 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 0.04 metres, access to the rear yard is maintained as the design of the below grade entrance will not impede travel to the rear yard due to the continuous path that is presented. Two step risers are proposed on either side of the entrance which eliminates the need to trespass onto the neighbours' property. Subject to the 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 variances are requested to permit an exterior stairway leading to a below grade entrance in the side yard and 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 as an unobstructed path of travel to and from the front and rear yard is provided due to the construction of two step risers on either side of the entrance. 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, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard. The location of the proposed below grade entrance to access the house is appropriate given the site context. The requested variances are not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos

