

Filing Date: August 15, 2022
Hearing Date: September 13, 2022

File: A-2022-0260

**Owner/
Applicant:** Charandai Sarjoo / Dilpreet Singh

Address: 78 Millhouse Mews

Ward: 6

Contact: Noel Cubacub, Planner III

Recommendations:

That application A-2022-0260 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 a building permit be obtained for the below grade entrance within sixty (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;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That drainage on adjacent properties shall not be adversely affected; 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:

Existing Zoning:

The property is zoned "Residential Street Townhouse B – Special Section 2736 (R3B - 2736)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance within the required interior side yard whereas the bylaw does not permit a below grade entrance in the interior side yard;
2. To permit an interior side yard setback of 0.59 metres (1.94) feet to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2 metres (3.94 feet)

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Bram West Secondary Plan (Area 40c). The Residential designation supports the current use and the variance has no impact within the context of the Official Plan policies.

The nature and extent of the proposed variance, subject to the recommended conditions, maintain the general purpose and intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended. The requested variances are in relation to a proposed below grade entrance in the interior side yard

Variances 1 and 2, are requested to permit the construction of a proposed below grade entrance and exterior stairwell in the interior side yard. The intent of the by-law in restricting a below grade entrance in the required interior side yard setback, and requiring a minimum interior side yard setback is to ensure there is adequate room available to allow for drainage and access to the rear yard. The setback from the exterior stairway does provide for some landscaping elements to be present on the property and is not anticipated to negatively impact drainage on the property. The proposed stairwell depicts a landing to the below grade entrance with steps on either side of it allowing for an appropriate level of access to the rear yard. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the notice of decision to ensure that the size and location of the proposed below grade entrance remain as presented within this application.

Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2, are requested to permit the construction of a proposed below grade entrance and exterior stairwell in the interior side yard. Will allow for the creation of a new second dwelling unit. The proposed below grade entrance and exterior stairwells

are also not anticipated to negatively impact the functionality of the subject property or the adjacent property. A condition of approval is recommended that the below-grade entrance not be used to access an unregistered second unit.


Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are not anticipated to negatively impact the subject property or adjacent properties and will facilitate the development of a registered second unit on the property. A condition of approval is recommended that the entrance not be used to access an unregistered second unit to ensure that the second unit complies with all Ontario Building Code regulations.

Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Noel Cubacub', written over a horizontal line.

Noel Cubacub
Planner III