



## Report Committee of Adjustment

**Filing Date:** November 10, 2022  
**Hearing Date:** December 6, 2022

**File:** A-2022-0369

**Owner/  
Applicant:** PAUL BIJOY KALLIKKATTUKUDY & REEMA THEKKEKUNNEL KURIAKOSE

**Address:** 45 Sedgewick Circle

**Ward:** WARD 6

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2022-0369 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 from the accessory structures shall be directed onto the subject property and drainage not impact adjacent properties;
  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 C – Special Section 1074 (R1C-1074)', 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 a required interior side yard whereas the by-law does not permit a below grade entrance in a required interior side yard;

2. To permit an interior side yard setback of 0.15m (0.50 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.9 ft.);
3. To permit an existing accessory structure (gazebo) having a side yard setback and a rear yard setback of 0.15m (0.50 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines;
4. To permit an existing accessory structure (shed) having a side yard setback and a rear yard setback of 0.3m (0.98 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines.

**Current Situation:**

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

The property is designated as 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44). The nature and extent of the proposed variances are 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 below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance in a required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.15m (0.50 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.9 ft.). The intent of the by-law in not permitting a below grade entrance in the required interior side yard, and requiring a minimum amount of interior side yard setback is to ensure that there is adequate room to allow for drainage and access to the rear yard.

The proposed below grade entrance and associated setback into the required interior side yard is not anticipated to have significant impact on drainage. The proposed below grade entrance is to be constructed with riser steps on either side to provide continuous access to the rear yard. Additionally, the current landscape would permit for adequate drainage to the property. The proposed development is not anticipated to generate any impacts on or off site. The variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing accessory structure identified as a "gazebo" having a side yard setback and a rear yard setback of 0.15m (0.50 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines. Variance 4 is requested to permit an existing accessory structure identified as a "shed" having a side yard setback and a rear yard setback of 0.3m (0.98 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines. The intent of the by-law in requiring minimum setbacks to ensure sufficient space is provided for drainage and maintenance of the structures.

The location of the gazebo and shed are not considered to be adversely impacting drainage on the property or adjacent properties. Based on the roof design of the existing gazebo and shed, the runoff water is directed on to the subject property and should not impact the drainage on adjacent properties. The structures maintain all other zoning requirements. Variances 3 and 4 are considered to maintain the general intent of the Zoning By-law.

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

The requested variances 1 and 2 are intended to permit a below grade entrance within the interior yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to the rear of the property and considered the location of the below grade entrance appropriate given the site context. Subject to the recommended conditions of approval, the variance is considered to be desirable or the appropriate development of the land.

Variances 3 and 4 are requested to bring into compliance existing accessory structures located in the rear yard of the property. The location of the accessory structures will not impeded the sightlines of the neighboring properties or detract from the amount of amenity space to serve the dwelling, provided that the structure is limited to size and location as shown on the sketch attached to the Public Notice, as per the recommended conditions of approval. The variances are considered desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variance for the construction of a below grade entrance are not considered to have significant impact on the drainage or limiting access to the property. Variances 1 and 2 are deemed minor in nature. The requested variances for the existing accessory structures in the rear yard are not anticipated to impose any negative impacts on the property or any of the surrounding properties. Variances 3 and 4 are deemed minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician