



## Report Committee of Adjustment

**Filing Date:** May 12, 2023  
**Hearing Date:** June 20, 2023

**File:** A-2023-0156

**Owner/  
Applicant:** PUNEET THAKRAL AND GANGA BISHT

**Address:** 150 Vanhorne Close

**Ward:** WARD 6

**Contact:** Ellis Lewis, Planning Technician

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### **Recommendations:**

That application A-2023-0156 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 applicant obtain a building permit for the below grade entrance 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;
  3. That drainage on adjacent properties should not be adversely affected;
  4. The below grade entrance shall not be used to access an unregistered second unit; 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 Single Detached F- Special Section 2201 (R1F-9.0-2201)', according to By-law 270-2004, as amended.

## Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an exterior side yard setback of 0.07m (0.23 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 1.2m (3.94 ft.).

## **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 Mount Pleasant Secondary Plan (Area 51). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested 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 an exterior stairway leading to a below grade entrance in the required interior 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 exterior side yard setback of 0.07m (0.23 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in prohibiting a below grade entrance in the exterior side yard and requiring a minimum amount of exterior side yard setback is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard. When assessing whether the location of a below grade entrance and the resulting interior side yard setback are appropriate, staff look to ensure that its location will not contribute to intrusion onto neighbouring properties. Despite the 0.07m (0.23 ft.) setback, the possibility of an encroachment is alleviated as two step risers are provided on both sides of the entrance. A clear path of travel that is 0.67 metres wide is also available on the opposite side of the property, allowing residents to gain access to the front and rear yard through this pathway. City Engineering Staff have reviewed the proposed development and are satisfied with the submission as it does not negatively impact drainage on the subject parcel or abutting 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

Variance 1 is requested to permit an existing below grade entrance in the exterior side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit an exterior side yard

setback that is less than what is required by the Zoning By-law.. Despite the decreased exterior side yard setback due to the construction of the below grade entrance, 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 each side of the landing, along with an additional path of travel on the opposite side of the property. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

#### 4. Minor in Nature

The location of the below grade entrance and reduced exterior side yard setback are not considered to impact access to the rear yard as residents will not need to trespass on abutting property when trying to gain access. Staff have determined that sufficient space is provided to allow for drainage and therefore, should not negatively impact abutting properties. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planning Technician

**Appendix A:**

