



## Report Committee of Adjustment

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

**File:** A-2023-0155

**Owner/  
Applicant:** KISHORE LUIATEL & SMEETA ADIGA

**Address:** 11 Jordensen Drive

**Ward:** WARD 5

**Contact:** Ellis Lewis, Planning Technician

---

### **Recommendations:**

That application A-2023-0155 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 should not be adversely affected;
  3. The below grade entrance shall not be used to access an unregistered second unit; and
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Semi-Detached A- Special Section 1318 (R2A-1318)', 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 stairs constructed below established grade in the required interior side yard; and
2. To permit an exterior side yard setback of 0.05m (0.16 ft.) to a below grade entrance whereas the by-law requires 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 'Residential Low Density 2' in the Credit Valley Secondary Plan (Area 45). 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 to a below grade entrance in the required interior side yard whereas a below grade entrance is not permitted in the required interior side yard. Variance 2 is requested to allow an interior side yard setback of 0.05 metres to a below grade entrance whereas the by-law requires a side yard setback of 1.2 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 intrusion onto adjacent properties. Despite the 0.05 metre setback, the possibility of an encroachment is mitigated as three step risers are provided on both sides of the entrance. City Engineering Staff have reviewed the proposed development and are satisfied with the proposal 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 exterior stairway to a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit a reduced interior side yard setback in comparison to 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 three 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. 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 as residents will not need to trespass on neighbouring lots. Staff have determined that sufficient space is provided to allow for drainage through the use of permeable landscaping features and therefore, should not cause drainage issues on abutting properties or on the subject land. 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:**

