



Report Committee of Adjustment

Filing Date: September 5, 2023
Hearing Date: October 3, 2023
File: A-2023-0271
**Owner/
Applicant:** JAGAT & REKHA KAINURA
Address: 5 BLACKSTONE RIVER DRIVE
Ward: WARD 9
Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0271 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 not be impacted; and
 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:

Staff note that the prepared Public Notice references a 3rd (third) variance to allow for a driveway width of 6.81m whereas the by-law permits a maximum driveway width of 5.2m however it was deemed this variance is not required as on-site conditions reveal a driveway in original state and the prepared site plan reflects same conditions (Appendix A).

Existing Zoning:

The property is zoned 'Residential Single Detached F-x- Special Section 2368 (R1F-2368)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance to be located within a required interior side yard whereas the by-law does not permit stairways constructed below the established grade to be located within a required interior side yard.
2. To permit a reduced interior side yard setback of 0.21m (.69 ft.), resulting in a combined side yard setbacks of 0.81m (2.66 ft.) whereas the by-law requires a minimum combined interior side yard setback of 1.8m (5.91 ft.) is required.

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 Countryside Villages Secondary Plan (Area 48(b)). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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

Variances 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 the established grade in the required interior side yard. The intent of the by-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space is provided for access to the rear of the property.

In the case of the subject property, the below grade entrance is constructed on the northern wall of the dwelling. The proposed configuration of the entrance consists of a below grade door and landing accessed by 2 riser steps on either side, maintaining continuous access to the rear yard. This configuration does not have significant impact on access to the rear yard. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit a reduced interior side yard setback of 0.21m (.69 ft.) resulting in a combined interior side yard setback of 0.81 (2.66 ft.), whereas the by-law requires a minimum combined interior side yard setback of 1.8m (5.91 ft.). The intent of the by-law in regulating minimum interior side yard setbacks is to ensure that sufficient space is maintained for not only access to the rear yard of the property but also to minimize negative impacts on drainage between the exterior stairs, property line and adjacent properties. Despite the reduction in the interior side yard setback, the addition of the below grade entrance, built in accordance with the Ontario Building Code requiring proper drainage for this form of construction, is not anticipated to negatively impact drainage on site nor adjacent properties. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the construction of a below grade entrance to be located within a required interior side yard which is intended to be used as an entrance to a second unit within the dwelling. A condition of approval is recommended that the below grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code.

Subject to the recommended conditions, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are intended to facilitate a below grade entrance to a secondary unit within the interior side yard of a residential property. The location of the entrance does present any concerns with regards to drainage for the subject property or adjacent properties and sufficient space to the rear yard is maintained with two raiser steps on either side and thus, subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development