



## Report Committee of Adjustment

**Filing Date:** October 20, 2023  
**Hearing Date:** November 14, 2023

**File:** A-2023-0332

**Owner/  
Applicant:** Kiranjir Singh Thakur, Jyoti Thakur

**Address:** 81 Sleightholme Crescent

**Ward:** WARD 10

**Contact:** Charles Ng, Planner I

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### Recommendations:

That application A-2023-0332 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 and the subject property shall not be adversely affected;
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:

The applicant has submitted a Minor Variance Application to permit an exterior stairway in the interior side yard leading to a below grade entrance and relief from setback requirements.

### Existing Zoning:

The subject property is zoned 'Residential Semi-Detached E-x – R2E-x' (R2E), according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 0.71 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres.

*Note: The applicant has submitted a revised sketch (included in the Public Notice) indicating a 0.71 metre setback to a proposed exterior stairway leading to a below grade entrance.*

*However, the Public Notice letter makes reference to an interior side yard setback of 0.86 metres to a proposed exterior stairway leading to a below grade entrance.*

**Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan, and further designated 'Low Density Residential' in the Bram East Secondary Plan (Area 41). The 'Residential' designation in the Official Plan permits residential uses as well as other complementary uses. The 'Low Density Residential' designation in the Secondary Plan permits residential uses within the pertinent Low Density Residential category as defined in Part I, Section 5.0 of the Official Plan, and a residential density of no greater than 7 units per hectare (2.8 units per acre) of gross residential area. The requested variances are not considered to have significant impacts within the context of the applicable planning policy framework.

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

Variance 1 is to permit a proposed exterior stairway leading to a below grade entrance located in the required side yard, whereas the by-law does not permit a stairway constructed below established grade in the required side yard. The intent of the by-law in regulating the location of exterior stairways leading to below grade entrances is to ensure that access the rear yard is appropriately maintained; that drainage is not adversely affected; that the appearance of the below grade entrance does not negatively impact the overall streetscape; and that an adequate and appropriate amount of landscaped area is maintained.

The proposed exterior stairway leading to a below grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of side yard is maintained; significantly affect drainage;



or significantly reduce the landscaped area in a manner that is not desirable within the required side yard.

Variance 2 is to permit a side yard setback of 0.71 metres (2.33 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 1.2 metres (3.93 feet). The intent of the by-law in regulating setbacks is to manage impacts to the subject property and adjacent properties with respect to privacy, lighting, drainage, and site circulation.

Based on the size, location and orientation of the exterior stairway leading to a below grade entrance, privacy, lighting, drainage, and site circulation is not anticipated to be adversely affected for the subject property and adjacent properties. An adequate amount of side yard is maintained to access the rear yard.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

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

The proposed exterior stairway leading to a below grade entrance is located within the side yard and is not anticipated to significantly affect the subject property, adjacent properties, or the neighbourhood. Furthermore, the requested variances are generally aligned with the planned intent, function, and use of the subject property, the Official Plan, and the Zoning By-law.

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

### 4. Minor in Nature

The proposed exterior stairway leading to a below grade entrance in the required side yard and associated relief from setback requirements from 1.2 metres (3.93 feet) to 0.71 metres (2.33 feet) is not anticipated to significantly impact drainage, access to the rear yard, decrease the available amenity space in a manner that is considered undesirable drainage, and overall, the subject property, adjacent properties, or the neighbourhood.

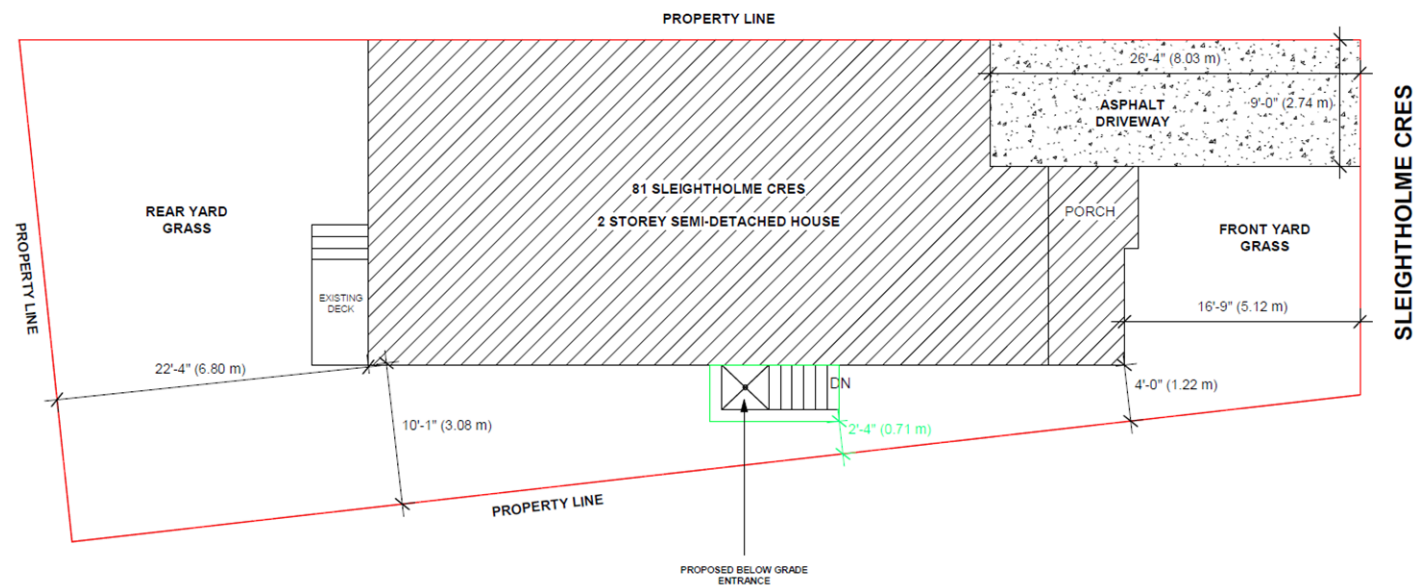
Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

*Charles Ng*

Charles Ng, Planner I

Appendix A:





Appendix B:





