

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: June 15, 2022

Name of Owners: Zakir Mandozai and Aliya Mandozai

Location: 465 Kleinburg Summit Way

File No.(s): A083/22

Proposed Variance(s) (By-law 001-2021):

1. To permit access stairs to encroach into the required interior side yard setback a maximum of 0.91 m.
2. To permit a minimum distance of 0.3 m from access stairs to the interior side lot line.
3. To permit hard landscape to encroach up to 0.0 m from the interior side lot line.

By-Law Requirement(s) (By-law 001-2021):

1. Open, unenclosed access stairs are permitted to encroach into a required interior side yard a maximum of 0.3 m.
2. Unless otherwise expressly permitted by this By-law, a minimum distance of 0.6 m shall be required from any permitted encroachment to the nearest lot line.
3. Hard landscape is permitted to encroach into a required yard up to 0.6 m from any lot line.

Proposed Variance(s) (By-law 1-88):

4. To permit a minimum interior side yard setback of 1.21 m to a door providing access to the dwelling.
5. To permit the proposed exterior stairway to extend into the required interior side yard a maximum distance of 0.91 m.

By-Law Requirement(s) (By-law 1-88):

4. The minimum interior side yard setback to a door shall be 1.8 m where the door is providing access to the dwelling or an attached garage.
5. Exterior stairways may extend into a required interior side yard to a maximum distance of 0.3 m.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "KN Low-Rise Residential I", Volume 2, Section 11.8 North Kleinburg-Nashville Secondary Plan

Comments:

The Owners are requesting relief to permit the construction of a raised landing with access stairs and a hard landscape walkway to provide access to a proposed secondary suite entrance in the southern side yard.

The Development Planning Department has no objection to Variances 1, 2 and 5. The proposed secondary suite door is slightly above grade. A landing abutting the door is proposed within the southern interior side yard with a step on its east and west sides. The stair and landing combination would provide access to the secondary suite door and be part of the access through the side yard. The Development Engineering Department has reviewed the landing and stairs and is satisfied that drainage will be maintained.

The Development Planning Department has no objection to Variance 3 as the proposed hard landscape walkway will consist of permeable pavers, which the Development Engineering Department has reviewed and is satisfied that drainage along the south side yard will be maintained. The hard landscape walkway facilitates the required 1.2 m clear path to the secondary suite entrance.

The Development Planning Department has no objection to Variance 4 for the proposed yard setback to the secondary suite door as the door will open inwards, and therefore will not come closer to the neighbouring property when it is open. The proposed door

setback also complies with Zoning By-law 001-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

Accordingly, the Development Planning Department can support the requested variances and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

Joshua Cipolletta, Planner I
David Harding, Senior Planner