

**ONTARIO MUNICIPAL BOARD HEARING  
VARIANCE APPLICATION FILE A79/02  
BHARAT B. SINGH**

**Recommendation**

The Commissioner of Planning recommends:

THAT Council provide direction with respect to the City's position on an appeal of the Committee of Adjustment's refusal of Variance Application A79/02 (Bharat B. Singh).

**Purpose**

To seek direction from Council with respect to Staff's attendance at the Ontario Municipal Board (OMB) hearing scheduled for September 13, 2002.

**Background - Analysis and Options**

The site is located north of Major Mackenzie Drive, west of Jane Street at the southeast corner of Treasure Road and La Nina Street, being Lot 96 of Plan 65M-3362 (249 Treasure Road) in Lot 23, Concession 5, City of Vaughan. The lands are designated "Low Density Residential" by OPA #600, and zoned RVM1(W-S-B) Residential Urban Village Multiple Dwelling Zone One by By-law 1-88, subject to Exception 9(1003).

On March 21, 2002, the Committee of Adjustment refused variances to permit the continued construction of an outside stairway entrance to the applicant's basement and also to permit a proposed curb cut.

Originally, the applicant requested a proposed curb cut width to be 9.0m rather than the required maximum curb cut width of 6.0m. The application also proposed an interior side yard setback of 0.15m to permit the continued construction of an exit/entrance from the basement with a roof over the steps and landing. The by-law requirement for a minimum interior side yard setback is 1.2m. The Community Planning Department did not support the variance as proposed by the submitted application.

Prior to the applicant's submission at the Committee of Adjustment meeting, the applicant amended his application and proposed a curb cut width of 8.0m rather than 9.0m and a minimum interior side yard setback of 0.3m rather than 0.15m. During the application's submission, the applicant agreed to amend the application to eliminate the roof over the step and landing area instead of the proposal to have a roof over the step and landing. At the meeting, Staff stated that the amended interior side yard setback of 0.3m could be supported since the stairs and landing area would no longer be covered with a roof. The elimination of the roof would substantially reduce the visual impact of the stairs. Staff continues to not support the requested curb cut width of 8.0m.

The president of North Maple Ratepayers' Association and another neighbourhood resident appeared in opposition of the variance application. Both shared concerns pertaining to the lack of parking on the street and the possible lack of access to a fire route between the houses. Three letters of support were received. One of the three residents in support abuts the property to the south.

In response to the circulation of this application for comments, the Engineering Department has advised that the proposed curb cut cannot be supported and that the sideyard stairway feature may affect the grading and drainage of the site.

## **Conclusion**

At the Committee of Adjustment meeting Staff indicated no objection to the revised interior sideyard setback to the stair structure on the basis that it was at grade and was not covered with a roof. The visual impact of the stairs would be substantially reduced. With regard to Engineering Department comments on grading and drainage of the site the applicant must satisfy the Engineering Department that there is no impact rather than making it an issue to be dealt with during the building permit process. Prior to the Board making a decision on the request for a variance to allow the stairs within the side yard, the Board should be satisfied that there will be no impact respecting grading and drainage of the site. The request to increase the curb cut is not supported. This matter is scheduled to proceed to the OMB on September 13, 2002, and Council's direction is requested.

## **Attachments**

1. Location Map
2. Site Plan

## **Report prepared by:**

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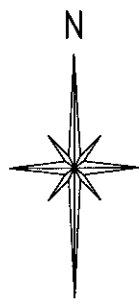
Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

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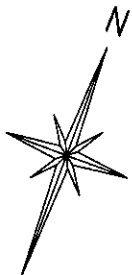
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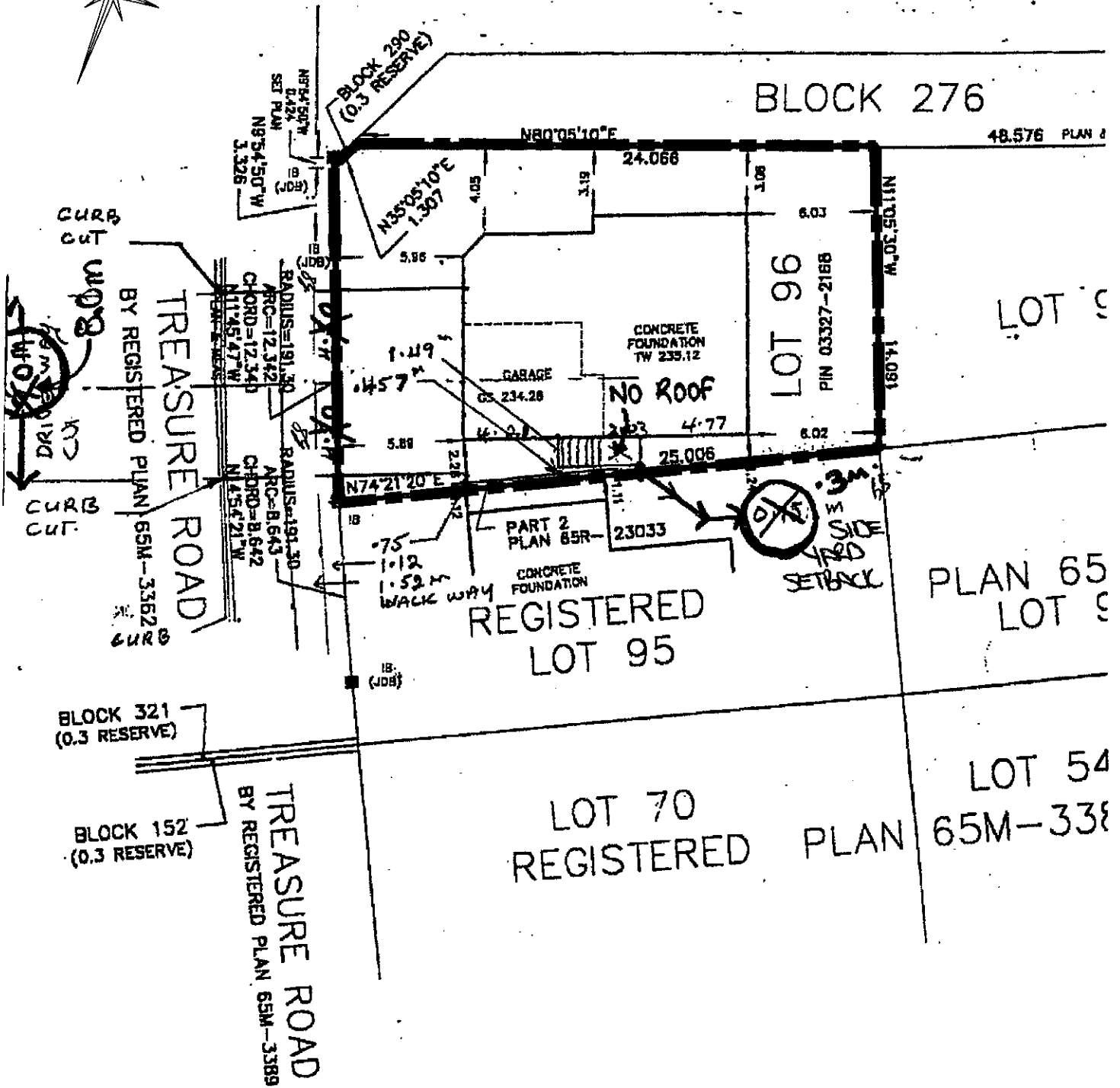
SUBJECT LANDS  
249 TREASURE ROAD

ATTACHMENT '1'  
LOCATION MAP

FILE #:	REPORT #:	DATE:	08/06/2002
A79/02	Part Lot 22, Con. 5	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: BHARAT SINGH
		SCALE:	NOT TO SCALE



LA NINA STREET  
 BY REGISTERED PLAN 65M-3382



— — — — — SUBJECT LANDS

ATTACHMENT '2'  
 SITE PLAN

FILE #:	REPORT #:	DATE:	08/06/2002
A79/02	Part Lot 22, Con. 5	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: BHARAT SINGH
		SCALE:	NOT TO SCALE