



Report Committee of Adjustment

Filing Date: February 28, 2023
Hearing Date: May 30, 2023

File: A-2023-0058

**Owner/
Applicant:** HARJINDER NAHAR

Address: 10 Needlewood Lane

Ward: WARD 9

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0058 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 owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That Variances 3 and 4 be withdrawn;
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Variance 3 is requested to permit a driveway width of 6.97m (22.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). Variance 4 is requested to permit 0.0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side lot line. Through City staff's review of the proposed variances, it was determined that the proposed driveway width of 6.97m (22.87 ft.) and 0.0m permeable landscape strip existed prior to the implementing Zoning By-law 270-2004 came into force and effect, resulting in a legal non-conforming driveway width of 6.97m (22.87 ft.) and 0.0m of permeable landscaping. City staff are therefore of the opinion that a variance from the implementing

zoning by-law is not required to permit the driveway width of 6.97m (22.87 ft.) and permeable landscape strip of 0.0m and that the proposed variances be withdrawn.

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-881)', 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 stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.06m (0.20 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback 0.30m (0.98 ft.) to a below grade entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling;
3. To permit a driveway width of 6.97m (22.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.)
4. To permit 0.0m of permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side lot line.

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Springdale Secondary Plan (Area 2). The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The subject lands are currently zoned 'Residential Single Detached D,' Special Section 881 (R1D-881), according to By-law 270-2004, as amended.

Variance 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 established grade in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.06m (0.20 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback 0.30m (0.98 ft.) to a below grade entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling.

The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum interior side yard setback is to ensure that sufficient space is maintained to access the rear yard of the property and provide drainage between the stairs and property line.

The existing below grade entrance is constructed along the northern wall of the dwelling and is located 0.06m (0.20 ft.) from the interior property line. Despite the reduced interior side yard width, the below grade entrance does not impede access to the rear yard or encroach on to the neighbouring property as it presents a continuous path due to the riser steps on either side. Additionally, the current landscaping on the property is considered to provide adequate drainage. 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

Variances 1 and 2 are requested to facilitate the construction of a below grade entrance within the interior side yard. Staff do not anticipate any negative impacts to drainage or access to the rear of the property as a continuous path of travel is provided by the three risers on both sides of the landing. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback is not considered to impact access to the rear yard or drainage on adjacent properties. Staff have determined that sufficient space is provided to allow for drainage and access to the rear yard, no negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

