



## Report Committee of Adjustment

**Filing Date:** January 19<sup>th</sup>, 2024  
**Hearing Date:** February 20<sup>th</sup>, 2024

**File:** A-2023-0425  
**Owner/  
Applicant:** ASEMARECH YOHANNES / MANJINDER KAUR

**Address:** 2 Bunchgrass Place

**Ward:** WARD 9

**Contact:** Paul Brioux, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0425 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 the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
  4. That drainage on adjacent properties should not be adversely affected; and
  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:**

#### Existing Zoning:

The property is zoned 'Residential Semi-Detached – R1C – Special Section 885', 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 located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line; and
2. To permit an exterior side yard setback of 2.29 metres to a stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3 metres.

**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 1' in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. As stated in Official Plan Section 3.2.8.2(ii), a second unit must comply with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. 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 requested to permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line. Variance 2 is requested to permit an exterior side yard setback of 2.29 metres to a stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3 metres.

The intent of the by-law in prohibiting below grade entrances between a main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape. The below grade entrance is proposed to be located behind the existing fence further screening the entrance from the overall streetscape.

The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. Given the small relative size of the proposed entrance and the provision of sufficient permeable landscaping surrounding the property, staff do not anticipate any negative impacts to drainage or access to the rear yard as a result of the proposal.

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

Variance 1 is requested to facilitate a proposed entrance located between the main wall of the dwelling and the flankage lot line. Variance 2 is requested to permit an exterior side yard setback of

2.29 metres to a stairway leading to a below grade entrance. Both variances are not anticipated to significantly affect the subject property or adjacent properties. Conditions of approval noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected have been included. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

#### 4. Minor in Nature

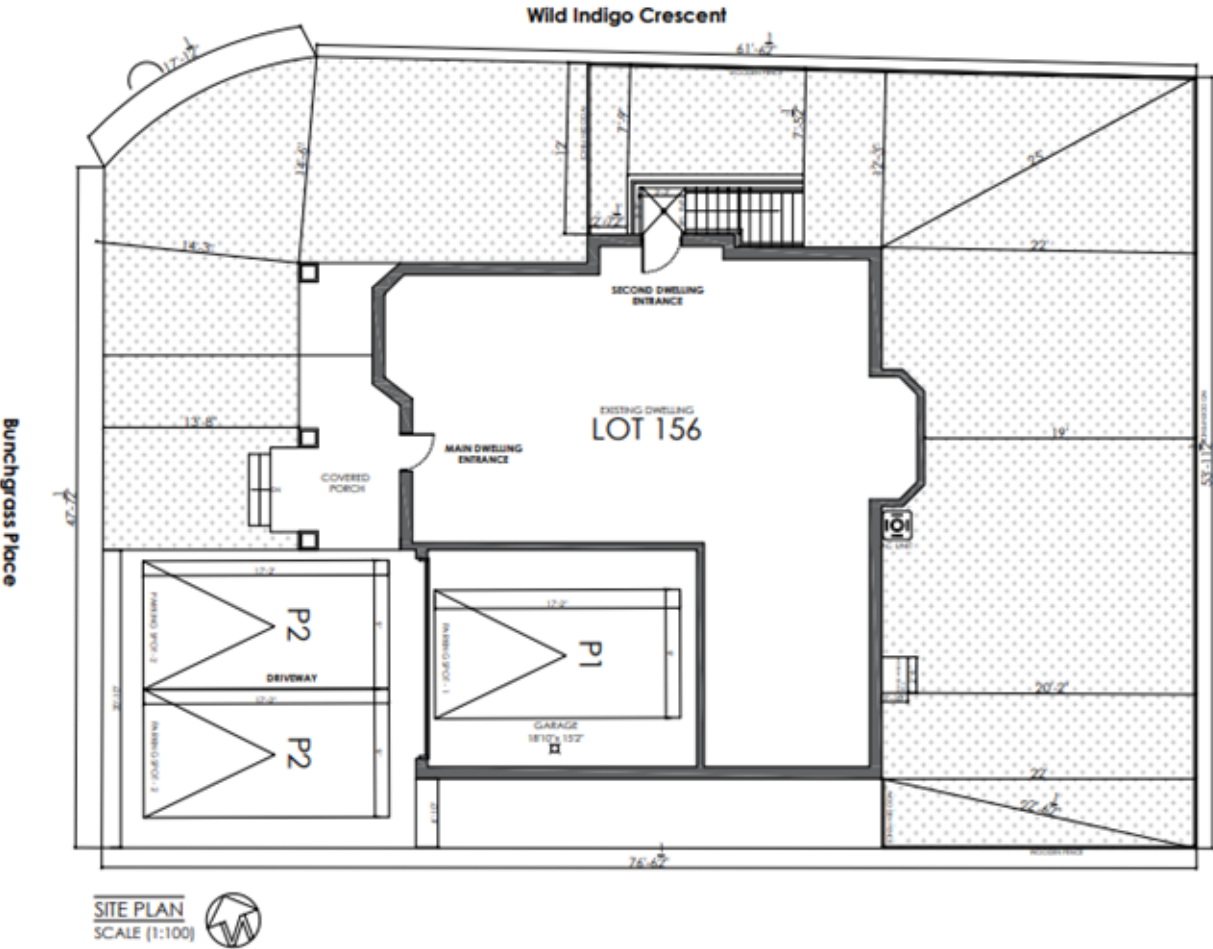
The proposed below grade entrance and reduced exterior side yard setback are not considered to impact access to the rear yard. The location of the proposed below grade entrance to access the house is appropriate given the site context. Staff are of the opinion that the location of the below grade entrance is not considered to alter the outlook of the neighbourhood as the new entrance will be screened by a fence that is already constructed. The requested variances are also not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

*Paul Brioux*

Paul Brioux, Assistant Development Planner

Appendix A:



Appendix B:

