



Report Committee of Adjustment

Filing Date: February 16th, 2024
Hearing Date: March 19th, 2024

File: A-2024-0021
**Owner/
Applicant:** AMRITPAL SINGH / PAVNEET KAUR

Address: 51 TOMABROOK CRESCENT

Ward: WARD 9

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0021 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 drainage on adjacent properties shall not be adversely affected;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That a fence be constructed in a manner that complies with any applicable by-laws and regulations to screen the exterior stairway leading to a below grade entrance, and that the fence shall not be removed or lowered, but may be repaired or replaced when necessary. As an alternative, the applicant may provide city planning staff with a revised plan depicting vegetation in a manner that screens the exterior stairway leading to a below grade entrance: 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 Townhouse - R3E', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

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.

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 variance is 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 variance 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 variance 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.

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. In order to protect the appearance of the streetscape, staff recommend that the applicant implement the planting of vegetation in a manner which would screen the below grade entrance. A condition of approval is recommended that the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services

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

3. Desirable for the Appropriate Development of the Land

The variance is requested to facilitate a proposed entrance located between the main wall of the dwelling and the flankage lot line. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the northwestern wall of the dwelling. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. The below grade entrance shall be screened by proposed vegetation. The variance is 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 variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

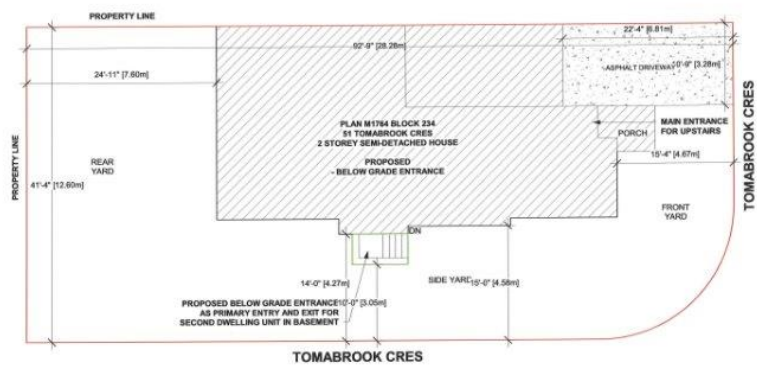
The location of the proposed below grade entrance to access the house is appropriate given the site context. Staff are of the opinion that the location of the below grade entrance is not considered to alter the outlook of the neighbourhood as the new entrance will be screened by vegetation. Subject to the recommended conditions of approval, the requested variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:



Appendix B:

