



Report Committee of Adjustment

Filing Date: February 16th, 2024

Hearing Date: March 19th, 2024

File: A-2024-0026

Owner/

Applicant: JAGJIT SINGH BHATHAL / AAKASH JOSHI

Address: 11 DAROU CRESCENT

Ward: WARD 9

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0026 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 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 Single Detached – Special Section 1927 (R1F-1927)', 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 3.95 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 4.5 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 3.95 metres to a stairway leading to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5 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 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.

A condition of approval has been included 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. 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 3.95 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. Staff note that there is an existing below grade entrance located at the rear of the dwelling. The new below grade entrance requested as part of this application may facilitate the creation of a second additional residential unit on site.

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 or vegetation to the satisfaction of planning staff. 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:

