



Report Committee of Adjustment

Filing Date: February 16th, 2024

Hearing Date: March 19th, 2024

File: A-2024-0033

Owner/

Applicant: SHARANJIT TAMBERH & JATINDER KAUR BOLA / ANJU BHUTANI

Address: 37 KETTLEWELL CRESCENT

Ward: WARD 10

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0033 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 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;
 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 – Special Section 1247 (R2A-1247)', 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.
2. To permit a proposed exterior side yard setback of 2.72m leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m.

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.

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. A condition of approval has been included 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.

Variance 2 is requested to permit a proposed exterior side yard setback of 2.72m leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m. The intent of the Zoning By-law in prohibiting below grade entrances in the exterior side yard is to ensure that sufficient space is maintained to access the rear yard of the property and that drainage between the stairs and the property line is not impacted. The rear yard is still accessible and engineering staff are of the opinion that drainage is not impacted as result of the proposal.

The variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed variances are requested to permit an exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line and a reduced exterior side yard setback of 2.72m. The addition of the below grade entrance should not interfere with access to the rear yard nor negatively impact drainage on adjacent properties. A condition of approval has been included that adjacent properties are not adversely affected. Similarly, it is recommended that a condition of approval be included that the below grade entrance shall not be used to access an unregistered second unit and that adequate screening be included to ensure no negative impacts as result of the proposal.

Subject to the conditions of approval the variances are considered appropriate for the 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 satisfactory of planning staff. The requested variances are also not considered to have significant impact on drainage or limit access to the property.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

