



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0076

**Owner/
Applicant:** Syed Muhammad and Sana Saqib

Address: 175 Heartview Road

Ward: WARD 2

Contact: Aferdita Dzaferovska, Assistant Development Planner

Recommendations:

That application A-2024-0062 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 drainage on adjacent properties should not be adversely affected;
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The Minor Variance application is seeking approval to permit a below grade entrance with stairs located within the required interior side yard of the property. The zoning By-law does not permit exterior stairways constructed below established grade in the required interior side yard and setback requirements apply. Variances are therefore being requested to a proposed stairway leading to a below grade entrance with a reduced interior side yard setback.

Existing Zoning:

The property is zoned 'Residential Semi-Detached C Section 750 (R1C-750)', 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 in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 0.15 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres.

Current Situation:

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

The property is 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. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. The nature and extent of the proposed 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 in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. The intent of the by-law in regulating the location of exterior stairways leading to below grade entrances is to ensure that appropriate site circulation is maintained; that drainage is not adversely affected; that the appearance of the below grade entrance does not negatively impact the overall streetscape; and that an adequate and appropriate amount of landscaped area is maintained.

The existing proposed stairway leading to a below grade entrance is located in the required interior side yard adjacent to a semi-detached residential dwelling. The proposed exterior stairway leading to a below grade entrance is not anticipated to affect site circulation, drainage, streetscape appearances, or reduce the amount of landscaped area in a manner that is not desirable.

Variance 2 is requested to permit an interior side yard setback of 0.15 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2 metres. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard.

In the case of the semi-detached dwelling situated on a lot with rear yard access provided on one side of the dwelling, a proposed below grade entrance with staircase along the west wall of the dwelling will result in a setback that does not comply with the by-law. However, despite this setback reduction, rear yard access remains feasible. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. Additionally, the proposal includes two step risers flanking the entrance, eliminating the need to encroach upon neighboring properties.

Subject to the conditions of approval, 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 requested variances are requested to facilitate the construction of a proposed separate entrance within the required interior side yard for the purpose of creating an additional residential unit. The variances to permit and reduce the resulting setback to the exterior stairway leading to a below grade entrance is not anticipated to negatively affect the subject property or adjacent properties.

A condition of approval is recommended 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.

Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances will facilitate the creation of an exterior stairway leading to a below grade entrance by permitting a reduced setback. The variances are not anticipated to have significant impact on drainage or limiting access to the property due to the site context and proposed stairway configuration. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

APPENDIX A – Site Visit Photos

