



Report Committee of Adjustment

Filing Date: March 13, 2024

Hearing Date: April 23, 2024

File: A-2024-0081

**Owner/
Applicant:** Himanshu Shah & Krunaliben Shah
Rely Solution Inc (Shivang Tarika)

Address: 74 Parity Road

Ward: 5

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0081 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 the proposed below grade entrance shall not be used to access an unregistered second unit;
 3. 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;
 4. That the driveway and permeable landscaping be reinstated in a manner that complies with the Zoning By-law;
 5. That drainage on adjacent properties should not be adversely affected; and
 6. 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 construct a below grade entrance with stairs located within the required exterior side yard. While the Zoning By-law permits below grade exterior

stairs to be located in a required front yard, setback requirements apply. A variance is therefore being requested to permit a reduced side yard setback to the proposed stairway leading to a below grade entrance.

Staff note that the site plan originally submitted with the application included requests for additional driveway width and a resulting reduction between the driveway and the actual or projected point of intersection of two streets. Discussions were held with the applicant regarding these variances, and subsequently, a revised sketch was submitted. This new sketch addressed the concerns by restoring the landscaping to the original driveway width, thus eliminating the need for the variances. Conditions of approval are recommended to ensure that the driveway is reinstated in a manner that complies with the Zoning by-law.

Existing Zoning:

The property is zoned 'Residential Single Detached E – Special Section 2476 (R1E-11.6-2476)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed exterior side yard setback of 3.56 metres to a 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 as 'Residential' in the Official Plan and 'Low Density 2 – Residential' in the Credit Vallet Secondary Plan (Area 45). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Residential Single Detached E – Special Section 2476 (R1E-11.6-2476)', according to By-law 270-2004, as amended.

The variance is requested to permit a proposed exterior side yard setback of 3.56 metres to a stairway leading to a 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 requiring a minimum exterior setback between a below grade entrance in the front yard and the front lot line is to ensure that the location of the entrance does not negatively impact the aesthetic of the overall streetscape and that sufficient space is maintained for drainage and access to the rear yard.

The single-detached dwelling is located at the corner of Parity Road and Argelina Crescent. The proposed below grade entrance will be accessed by a staircase located along the east wall of the

dwelling. The below grade entrance and associated stairway will result in an exterior side yard setback that does not comply with the by-law. The below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation between the staircase and property line will be maintained. The applicant is also proposing to 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 condition of approval, the 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 applicant is requesting a variance to facilitate the construction of a proposed below grade entrance between a main wall of the dwelling and a flankage lot line. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the east 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 will be screened by proposed vegetation as shown on the site plan. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and proposed mode of screening. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

