



Report Committee of Adjustment

Filing Date: May 3, 2024
Hearing Date: June 18, 2024

File: A-2024-0141

**Owner/
Applicant:** OJAS BHATT & SMITA BHATT

Address: 23 Gamson Crescent

Ward: WARD 9

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0141 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 below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties shall not be adversely affected; and
 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:

Existing Zoning:

The property is zoned 'Residential Single Detached F (R1F)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.13 metres (0.43 feet) to a proposed exterior stairway leading to a below grade entrance in a required side yard of a single detached dwelling, whereas the by-law requires a minimum interior side yard setback of 0.3 metres (0.98 feet), provided that a continuous side yard width of not less than 1.2 metres (3.94 feet) is provided on the opposite side of the single detached dwelling.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and '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. 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 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 an interior side yard setback of 0.13 metres (0.43 feet) to a proposed exterior stairway leading to a below grade entrance in a required side yard of a single detached dwelling, whereas the by-law requires a minimum interior side yard setback of 0.3 metres (0.98 feet), provided that a continuous side yard width of not less than 1.2 metres (3.94 feet.) is provided on the opposite side of the single detached dwelling.

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. Despite the setback reduction to one side of the property, rear yard access remains feasible as there is a path that is 1.41 metres (4.66 feet) wide on the opposite side of the home. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. Additionally, the proposal includes three step risers flanking the entrance, eliminating the need to encroach upon neighboring properties. Subject to the 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 requested variance was submitted to have a side yard setback reduced in order to facilitate the construction of a proposed separate entrance within the required interior side yard. The variance to 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. The by-law has a requirement for a minimum side yard setback of 0.3 metres (0.98 feet), whereas 0.13 metres (0.43 feet) is being requested. The Site Plan provides a path to access the front and rear of the house through this side of the lot is permitted. Subject to the recommended condition of approval, the proposed variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

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

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

