



Report Committee of Adjustment

Filing Date: May 13, 2024
Hearing Date: June 18, 2024

File: A-2024-0158

**Owner/
Applicant:** HARMEET SINGH & AASHIMA WALLA

Address: 67 Marbleseed Crescent

Ward: WARD 9

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0158 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 owner implement planting to minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
 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 Semi-Detached A(1) Special Section- 100 (R2A(1)-100)', 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 1.76 metres (5.77 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet).

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 1 Residential' in the Springdale Secondary Plan (Area 2). The requested variances are 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

Variance 1 is requested to permit a proposed exterior side yard setback of 1.76 metres (5.77 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is provided to allow access to the rear yard. Despite the reduced setback, a path of travel measuring 1.12 metres wide (3.67 feet) is available on the opposite side of the property. City Engineering Staff have also reviewed the proposed development and are satisfied that it does not negatively impact drainage on the subject parcel or abutting property. Staff recommend that vegetation be implemented in a manner that appropriately screens the proposed entrance in order to minimize visual impacts on the streetscape. Subject to the conditions of approval, Variance 1 is 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 permit a reduced exterior side yard setback of 1.76 metres (5.77 feet) to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). In this case, a continuous path of travel to the rear yard will still be provided. The reduction in the exterior side yard will assist in facilitating the development of a below grade entrance between the main wall of the dwelling and the flankage lot line. The proposed below grade entrance will be constructed along the western wall of the detached dwelling, which is located southeast corner of Marbleseed Crescent and Mint Tree Boulevard. 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. Conditions of approval are recommended that drainage on the adjacent properties shall not be adversely affected. Planters will also need to be implemented surrounding the stairway and entrance to maintain the streetscape, as illustrated on the Concept Plan. Subject to the conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance will assist in the construction 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 access to the property or visually detract from the streetscape. The application has been reviewed by Staff and they are of the opinion that neighbouring properties should not be negatively impacted by the proposal. Furthermore, no negative impacts to drainage are anticipated. Subject to the recommended conditions of approval, Variance 1 is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

