

**Filing Date:** February 5, 2021

**Hearing Date:** March 9, 2021

**File:** A-2021-0012

**Owner/  
Applicant:** RAMAKANTH MANNAVA AND LAVANYA THATHA

**Address:** 73 Blue Whale Blvd.

**Ward:** 9

**Contact:** Shelby Swinfield, Planner 1

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**Recommendations:**

That application A-2021-0012 is not supportable.

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**Background:**

Existing Zoning:

The property is zoned 'Residential Special Section 751 (R1D-751) and Residential Special Section 767 (R1D-767)' according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a below grade exterior stairway in the required interior side yard having a setback of 0.31m (1.02 ft.) to the side lot line where a continuous side yard width of 0.7m (2.30 ft.) is provided on the opposite side of the dwelling whereas the by-law only permits a below grade exterior stairway in the required interior side yard where a minimum 0.3m (0.97 ft.) setback to the side lot line is maintained and where a minimum 1.2m (3.94 ft.) continuous side yard width is provided on the opposite side of the dwelling.

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' by 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. The requested variance is considered to maintain the general intent of the Official Plan.

## 2. Conforms to the Intent of the Zoning By-law

The property is zoned 'Residential Special Section 751 (R1D-751) and Residential Special Section 767 (R1D-767)' according to By-law 270-2004, as amended.

The requested variance is to permit a below grade exterior stairway in the required interior side yard having a setback of 0.31m (1.02 ft.) to the side lot line where a continuous side yard width of 0.7m (2.30 ft.) is provided on the opposite side of the dwelling whereas the by-law only permits a below grade exterior stairway in the required interior side yard where a minimum 0.3m (0.97 ft.) setback to the side lot line is maintained and where a minimum 1.2m (3.94 ft.) continuous side yard width is provided on the opposite side of the dwelling.

The intent of the by-law in prohibiting below grade entrances in the interior side yard where the opposite side yard setback is less than 1.2m (3.94 ft) and where the setback to the stairs is less than 0.3m (0.98 ft) is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line. In the case of the subject property, the location of the below grade entrance will inhibit access to the rear yard as the opposite side yard does not maintain a setback of 1.2m (3.94 ft) and is not considered to provide sufficient space to access the rear yard. The requested variance is not considered to maintain the general intent of the Zoning By-law.

## 3. Desirable for the Appropriate Development of the Land

The requested variance is needed to facilitate a below grade entrance in the interior side yard of the property. The location of this below grade entrance will inhibit access to the rear yard for emergency or every day purposes given its location and that the opposite side yard setback is not considered to provide sufficient room to access the rear yard. The requested variance is not considered to be desirable for the appropriate development of the land.

## 4. Minor in Nature

The proposed variance will accommodate a below grade entrance in the interior side yard that will negatively impact access to the rear yard for every day or emergency purposes. The requested variance is not considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Development Planner