

Filing Date: February 25, 2021

Hearing Date: March 30, 2021

File: A-2021-0050

Owner/

Applicant: Nugooru Sairam & Spandana Digvijay Podisetty

Address: 58 Swales Crescent

Ward: 9

Contact: Andrew Ramsammy, Planner I, Development

Recommendations:

That application A-2020-0050 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 a building permit for the below grade entrance shall be obtained within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
3. That the below grade stairs be modified to create steps on both sides of the landing leading to the rear yard as indicated on the sketch attached to the Notice of Decision, to the satisfaction of the Director of Development Services;
4. The air conditioning (AC) unit be relocated to accommodate a clear 0.9m (3ft) landing at the top of the stair, as required by the Ontario Building Code. The AC unit must be relocated within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
5. That the below grade entrance shall not be used to access an unregistered second unit;
6. That the existing shed in the rear yard shall be relocated to meet minimum setback requirements of the Zoning By-law setback as shown on the sketch attached to the Notice of Decision; and

7. 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 D (R1D-1257)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance within a required interior side yard.
2. To permit an interior side yard setback of 0.116m (0.38 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated as "Residential" in the Official Plan and "Low Density Residential 1" in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

Variance 1 requests to permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance within a required interior side yard. 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 sufficient space is provided for drainage.

A condition of approval is recommended to modify the below grade stairs to create steps on both sides of the landing leading to the rear yard as indicated on the sketch attached to the Notice of Decision. Modifying the stairs to create steps on both sides will ensure sufficient space and a path of travel is provided to access the rear yard. Subject

to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit an interior side yard setback of 0.116m (0.38 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained to access the rear yard of the property and that sufficient space is provided for drainage.

A condition of approval is recommended to modify the below grade stairs to create steps on both sides of the landing leading to the rear yard as indicated on the sketch attached to the Notice of Decision. Modifying the stairs to create steps on both sides will ensure sufficient space and a path of travel is provided to access the rear yard. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate a below grade entrance in the interior side yard. A condition of approval is recommended that the applicant modify the below grade stairs to create steps on both sides of the landing leading to ensure sufficient space and a path of travel is provided to access the rear yard. This modification will create a one step grade difference between the main path and the entrance landing and staff are satisfied that this will allow a sufficient path of travel. An additional condition is recommended that the below-grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code.

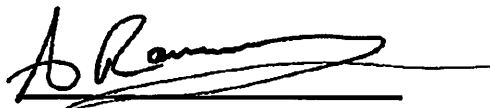
Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit an exterior stairway leading to a below grade entrance in the interior side yard, and to permit a reduced interior side yard setback of 0.116m (0.38 ft.) to the exterior stairway will not create any adverse impact when subject to the recommended conditions of approval. The recommended modification will minimize the impact of the location of the below grade entrance on the path of travel to the rear yard.

The requested variances, subject to the recommended conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A Ramsammy', with a long horizontal flourish extending to the right.

Andrew Ramsammy, Planner I, Development