

Filing Date: August 24, 2020

Hearing Date: September 29, 2020

File: A-2020-0074

**Owner/
Applicant:** **MARWAN AL-FARRAJI – HETALKUMAR & BIJAL SHAH**

Address: **33 Red Cedar Crescent**

Ward: 9

Contact: Noel Cubacub, Assistant Development Planner

Recommendations:

That application A-2020-0074 is supportable, subject to the following conditions being imposed:

1. That a building permit be obtained for the below grade entrance 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;
 2. That the below grade entrance shall not be used to access an unregistered second unit;
 3. That the extended driveway (concrete) shall not be parked upon at any time by the whole or part of a motor vehicle;
 4. That drainage on adjacent properties shall be maintained and that adjacent properties shall not be adversely affected;
 5. That the extent of the variances be limited to that shown on the sketch attached to the public notice and no portion of the driveway shall be extended further; 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:**Existing Zoning:**

The property is zoned "Residential Single Detached B – Special Section 516 (R1B-516)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the interior required side yard;
2. To permit an interior side yard setback of 0.60m (1.97 ft.) to a stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit an existing driveway width of 9.04m (29.66 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22.00 ft.).

Current Situation:**1. Conforms to the Intent 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 Residential designation supports the current use and the variance has no impact within the context of the Official Plan policies.

The nature and extent of the proposed variance, subject to the recommended conditions, maintain the general purpose and intent of the Official Plan.

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

The property is zoned "Residential Single Detached B – Special Section 516 (R1B-516)" according to By-law 270-2004, as amended. The requested variances are in relation to a proposed below grade entrance in the interior side yard as well as an existing extended driveway.

In regard to Variance 1 and 2, the intent of the bylaw in restricting a below grade entrance in the required rear yard setback, and requiring a minimum interior side yard setback is to ensure there is adequate room available to allow for drainage and access to the rear yard. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the public notice to ensure that the size and location of the proposed below grade entrance remain as presented within this application. The approved interior side yard setback of 0.61 metres (2 feet)

will allow some level of access and drainage. Further, on the opposite side of the dwelling a setback of at least 1.5 metres (4.9 feet) which provides sufficient access to the rear yard. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested as the existing driveway has a width of 9.04 metres (29.66 feet), at the widest point, whereas the by-law permits a maximum driveway width of 6.71 metres (22 feet). The definition of a driveway includes all surfaces capable of being parked upon. The intent of the by-law regulating the maximum width of the driveway is to ensure that parking in the front yard is limited to an area appropriate for the size of the lot. In the case of the extended portion of the driveway on the subject property, it is intended to be used as a walkway and contributes positively to the aesthetic value of the property.

A condition of approval is recommended that the extended driveway (concrete) shall not be parked upon at any time by the whole or part of a motor vehicle which maintains a limitation on vehicle parking in the front yard and ensures that the extended portion of the driveway is purely for pedestrian use. The driveway has not been built up to the property line and is not anticipated to result in any negative impacts to pertaining to drainage for the subject or adjacent properties.

Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are required to permit a below grade entrance in the interior side yard of the dwelling, and associated stairway leading to the entrance. The location of the below grade entrance does not inhibit access to the rear yard as significant access to the rear yard is provided via the opposite side yard. A condition of approval is recommended that the below-grade entrance not be used to access an unregistered second unit. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

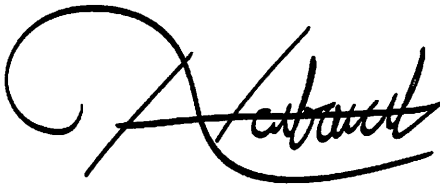
Variance 3 is to permit an existing driveway width of 9.04 metres (29.66 feet) whereas the by-law permits a maximum driveway width of 6.71 metres (22 feet). The appearance of the driveway positively contributes to the aesthetic character of the property. Further, there is a significant grade change between the asphalt portion of the driveway and the widest point of the extended portion, which would inhibit the parking of vehicles on that portion of the concrete, and prevent vehicles from being parking in the front of the main door to the dwelling. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are not anticipated to negatively impact the subject property or adjacent properties and will facilitate the development of a registered second unit on the property. A condition of approval is recommended that the entrance not be used to access an unregistered second unit to ensure that the second unit complies with all Ontario Building Code regulations. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Variance 3 facilitates an existing driveway that contributes positively to the aesthetic quality of the property and is intended to be used as a pedestrian walkway. Variance 3, subject to the recommended conditions of approval, is considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Noel Cubacub', written over a horizontal line.

Noel Cubacub
Assistant Development Planner