



Report Committee of Adjustment

Filing Date: July 26, 2022
Hearing Date: August 23, 2022

File: A-2022-0246

**Owner/
Applicant:** HARSHAL GAIKWAD AND SWATI GAIKWAD

Address: 17 CRYSTALCREST TERRACE

Ward: WARD 9

Contact: Mohammed Jalabi, Assistant Development Planner

Recommendations:

That application A-2022-0246 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 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 Extended Zone R2B (R2B-2773)', 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 stairways constructed below established grade with a required interior side yard;
2. To permit an interior side yard setback of 0.26m (0.85 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Springdale Plan (Area 2). The nature and extent of the proposed variances are 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 below grade entrance within a required interior side yard whereas the by-law does not permit stairways constructed below established grade with a required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.26m (0.85 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in not allowing below grade entrances in the required interior side yard, and requiring a minimum amount of interior side yard setback is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

The owner has proposed to construct a below grade entrance in the side yard and an exterior stairway leading to the below grade entrance. The proposed below grade entrance and associated setback into the required interior side yard is not anticipated to have significant impact on drainage. Given the proposed location and configuration of the below grade entrance stairway, access to the rear and side yards of the property will be maintained. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit a proposed below grade entrance in the side yard. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land as they do not generate negative impacts on-site or off-site.

4. Minor in Nature

The requested variances are not expected to have significant impact on drainage or limit access to the property given that sufficient area for access is maintained. The requested variances pertaining to the proposed below grade entrance are deemed minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner