



**Report**  
**Committee of Adjustment**

**Filing Date:** August 29, 2022  
**Hearing Date:** October 04, 2022

**File:** A-2022-0278

**Owner/  
Applicant:** BALWINDER SINGH & RAINA BADHAN

**Address:** 23 Gulfbrook Circle

**Ward:** WARD 2

**Contact:** Simran Sandhu, Assistant Development Planner

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**Recommendations:**

That application A-2022-0278 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 below grade entrance shall not be used to access an unregistered second unit;
  3. 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 D (R2D-1409)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;

2. To permit an exterior side yard setback of 1.95m (6.40 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
3. To permit an existing driveway width of 5.31m (17.42 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.);
4. To permit a 3.52m (11.55 ft.) separation distance between a driveway and the point of intersection of two streets whereas the by-law requires a minimum 6.0m (19.68 ft.) separation distance between a driveway and projected point of intersection of two streets.

**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 Secondary Plan (Area 2). The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains 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 between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line. Variance 2 is requested to permit an exterior side yard setback of 1.95m (6.40 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). The intent of the by-law in not allowing below grade entrances between the main wall of the dwelling and the flankage lot line, and requiring a minimum amount exterior side yard setback is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

The proposed stairway leading to a below grade entrance encroaching into the required exterior side yard is not considered to have significant impact on drainage and sufficient space of 1.05m (3.44 ft.) is maintained for access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing driveway width of 5.31m (17.42 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling.

The existing driveway width is 0.11m (0.42 ft.) wider than what the by-law permits. The portions of the existing driveway that were widened consist of concrete and are not considered to significantly impact drainage or contribute to a substantial loss of landscaped open space on the corner lot property. While the driveway does not maintain the full front yard landscaping requirements, the existing conditions of

the driveway is not out of character for the area. Subject to the recommended conditions of approval, variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a 3.52m (11.55 ft.) separation distance between a driveway and the point of intersection of two streets whereas the by-law requires a minimum 6.0m (19.68 ft.) separation distance between a driveway and projected point of intersection of two streets. The intent of the by-law is to ensure that there are no obstructions on a corner of a lot which would impede the visibility of pedestrians, cyclists, or drivers. Additionally, staff have reviewed the application and conclude no negative impacts. The existing site conditions are not anticipated to generate negative impacts and is in keeping with the general intent of the by-law.

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

The requested variances 1 and 2 are intended to permit a below grade entrance within the exterior yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

Variance 3 is requested to allow an existing driveway width which exceeds the requirements of the Zoning By-law. While the driveway does not maintain the full landscaping requirements of the Zoning By-law, the materials and design maintain a certain aesthetic quality which does not detract from the streetscape. Furthermore, the subject property is a corner lot and a substantial amount of open landscaping is remaining on the 2 lot frontages despite the widened driveway. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

Variance 4 is also requested to allow existing site conditions where the driveway has been extended into the projected point of intersection of two streets. The variances would allow vehicles to be parked close the point of intersection. The existing site conditions are not anticipated to generate negative impacts, the variance is considered desirable for the appropriate development of the land as it does not generate negative impacts.

### 4. Minor in Nature

The requested variance for the construction of a below grade entrance are not considered to have significant impact on drainage or limiting access to the property. Variances 1 and 2 are deemed minor in nature.

The requested variance to accommodate the existing site conditions for a widened driveway. The widened driveway maintains intent of the Zoning By-law and is constructed with concrete. The visual impact of the driveway is minimal and not considered to impact drainage. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

The portion is the driveway located within the projected point of intersection of two streets is not considered to generate any negative potential impact, variance five is considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a hand-drawn oval scribble.

Simran Sandhu, Assistant Development Planner