



Report Committee of Adjustment

Filing Date: September 23, 2022

Hearing Date: October 25, 2022

File: A-2022-0309

**Owner/
Applicant:** ANURAG SHUKLA & RASHI GUPTA

Address: 85 Starhill Crescent

Ward: WARD 9

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0309 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.

Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached A (R2A-867)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

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 within a required interior side yard;
2. To permit an interior side yard setback of 0.11m (0.36 ft.) 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 'Low Density Residential 1' 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 within a required interior side yard whereas the by-law does not permit stairways constructed below established grade within a required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.11m (0.36 ft.) 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 proposed stairway leading to a below grade entrance within the required interior side yard is not considered to have significant impact on drainage and the below grade entrance is proposed to be constructed with raisers on either side to provide 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.

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 interior 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 the rear 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.

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.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner