



Report Committee of Adjustment

Filing Date: December 22nd, 2022

Hearing Date: February 14th 2023

File: A-2022-0408

**Owner/
Applicant:**

NABILA ASLAM

Address: 16 NUTWOOD WAY

Ward: WARD 9

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2022-0408 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 the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval
 3. That the below grade entrance shall not be used to access an unregistered second unit; and
 4. 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 Townhouse (R3E)', 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 stairways constructed below the established grade is not permitted within a required interior side yard; and

2. To permit a reduced interior side yard setback of 0.41m (1.34 ft), whereas a minimum interior side yard of 1.2m (3.93 ft) is required.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and is further designated "Low Density 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 and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested 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 the established grade in the required interior side yard. The intent of the by-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space is maintained to access the rear yard to the property and that there will be no negative impacts to drainage between the stairs and the property line.

In the case of the subject property, the below grade entrance is constructed on the southern wall of the dwelling. The existing configuration of the entrance consists of a below grade door and landing accessed by one riser step on either side, maintaining access to the rear yard. This configuration does not limit access to the rear yard.

Variance 2 is requested to permit an interior side yard setback of 0.41m (1.34 ft), whereas the by-law requires a minimum interior side yard setback of 1.2m (3.93 ft). The intent of the by-law in regulating a minimum interior side yard setback is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line. Despite the reduced interior side yard setback, the addition of the below grade entrance is not anticipated to negatively impact drainage or access to the rear yard.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit existing site conditions for the location of a below grade entrance and reduced interior side yard setback. Subject to the recommended conditions of approval, Variances 1 and 2 are desirable for the appropriate development of the land. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit and that the owner shall obtain a building permit within 60 days of the decision of approval.

4. Minor in Nature

The existing location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard, as an adequate path of travel is maintained and there are no negative impacts to drainage on adjacent properties. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A:

