



Report Committee of Adjustment

Filing Date: January 23rd, 2023

Hearing Date: March 7th, 2023

File: A-2023-0021

**Owner/
Applicant:** MAALATHY SOORIYAAKANTHAN

Address: 9 MADDYBETH CRESCENT

Ward: WARD 6

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0021 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 applicant ensures the existing below grade entrance includes both three steps down and three steps up in order to provide a continuous path of travel to the rear yard as per the provided concept plan (Appendix A);
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That the owner shall obtain a building permit within 60 days of the decision of approval; and
 5. 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 D Special Section 2812 (R1D-2812)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard, whereas the by-law does not permit a below grade entrance in the required interior side yard; and
2. To permit an interior side yard setback of 0.07m (0.23 ft) to the proposed below grade entrance, whereas the by-law requires a minimum interior side yard setback of 0.6 metres, provided that the combined total of the interior side yards is not less than 1.8 metres.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and further designated 'Low/Medium Density Residential' in the Bram West Secondary Plan (Area 40c). 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 a below grade entrance in the required interior side yard, whereas the by-law does not permit a below grade entrance in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.07m (0.23 ft) to the proposed below grade entrance, whereas the by-law requires a minimum interior side yard setback of 0.6 metres, provided that the combined total of the interior side yards is not less than 1.8 metres. The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for both drainage purposes and overall access to the rear yard.

Through City engineering staff review of the proposed development, they provided confirmation that sufficient area of 0.07m (0.23 ft) for drainage purposes is maintained (Appendix B). As the existing below grade entrance only includes three steps down, staff recommend a condition of approval that the applicant ensures the existing below grade entrance includes both three steps down and three steps up in order to provide a continuous path of travel to the rear yard. A condition of approval is also 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. Subject to the recommended conditions of approval, the variances maintain the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to allow for a below grade entrance in the required interior side yard and an interior side yard setback that does not meet the requirements of the Zoning By-Law. While full setback requirements of the Zoning By-law are not maintained, subject to the recommended condition of approval that the below grade entrance includes three risers down and three risers up, Staff are satisfied that an unobstructed path of travel to access the rear yard can be maintained. Moreover, a concrete pathway indicating a clear path of travel toward both the below grade entrance and the rear yard is provided (see Appendix B).

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. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit existing site conditions for a below grade entrance located within the required interior side yard and a reduced interior side yard setback. The proposed reduced interior side yard setback to permit a below grade entrance is not considered to impact access to the rear yard or drainage on adjacent properties, as adequate drainage and access to the rear yard can be maintained through the three-step riser. A condition of approval is recommended that the applicant ensures the existing below grade entrance includes both three steps down and three steps up in order to provide a continuous path of travel to the rear yard. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

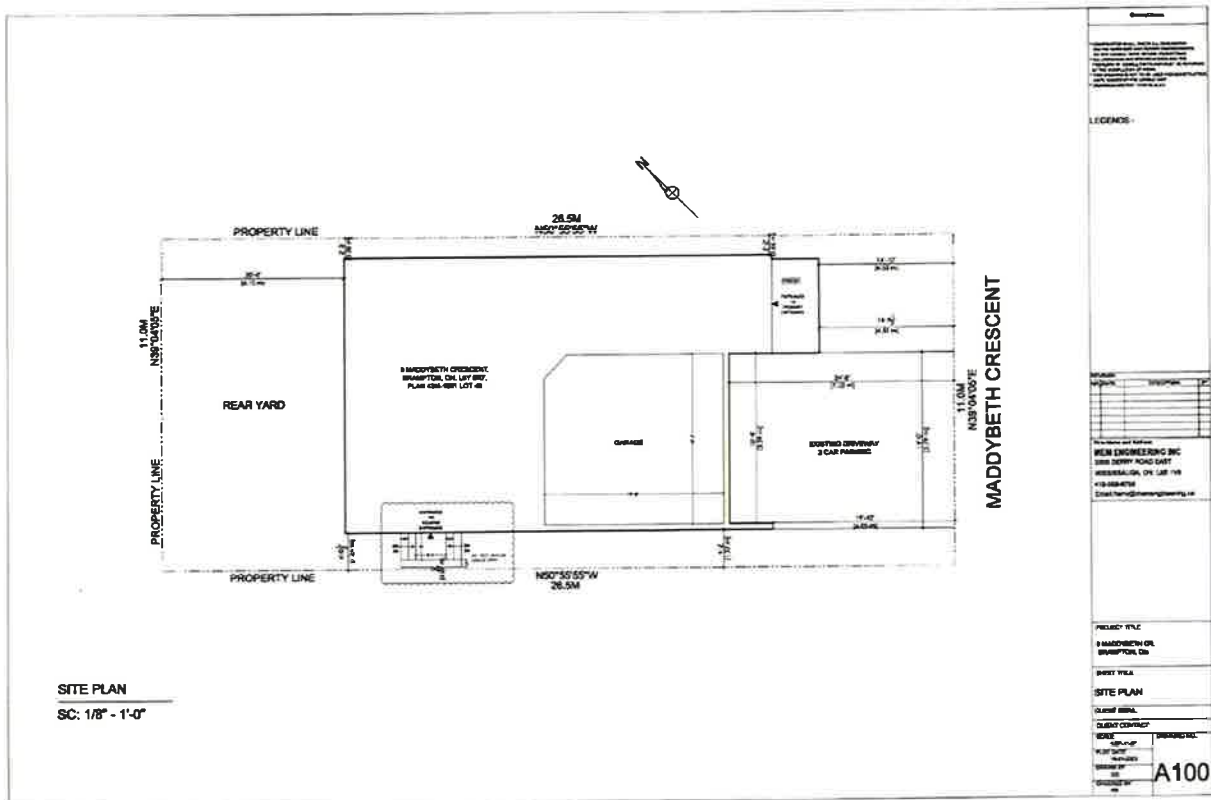
As such, Variances 1 and 2 are deemed minor in nature. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Concept Plan Provided by Applicant:



Appendix B – Site Visit Photos:

