



## Report Committee of Adjustment

**Filing Date:** February 26, 2023

**Hearing Date:** June 20, 2023

**File:** A-2023-0051

**Owner/  
Applicant:** PARTH SHAH/ HINAL PARTH SHAH & SALMAN ELLAHI

**Address:** 4 Rain Lily Lane

**Ward:** WARD 9

**Contact:** Ellis Lewis, Planning Technician

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### **Recommendations:**

That application A-2023-0051 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 below grade entrance shall not be used to access an unregistered second unit;
  3. That drainage on adjacent properties should not be adversely affected;
  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:**

The subject property is part of a quattroplex and the applicant is proposing a Minor Variance application to facilitate the construction of a below grade entrance for a secondary unit in the basement. The applicant requested a deferral ahead of the March 28<sup>th</sup> Committee of Adjustment Meeting as further review of the application and related variances were required.

### Existing Zoning:

The property is zoned 'Residential Extended Zone – Special section 697 (R2B- 697)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance on a lot containing a quattroplex, whereas the by-law only permits a below grade entrance in a single detached, semi detached or townhouse dwelling;
2. To permit a side yard setback of 1.29m (4.32 ft.) to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.); and
3. To permit a second dwelling unit (basement apartment) on a lot containing a quattroplex whereas the by-law only permits basement apartments in single detached, semi-detached or townhouse dwellings.

### **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 requested variances to facilitate the construction of a below grade entrance for a second dwelling within a quattroplex are not considered to have significant impacts within the context of the Official Plan policies. 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 a below grade entrance in a quattroplex whereas the by-law only permits a below grade entrance in a single detached, semi-detached or townhouse dwelling. Variance 2 is requested to allow a side yard setback of 1.29 metres to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.8 metres. Variance 3 seeks to permit a basement apartment (second dwelling) on a lot containing a quattroplex whereas the by-law only permits basement apartments in single detached, semi-detached or townhouse dwellings.

The parent R2B Zoning By-law designation allows a single detached and semi-detached dwelling subject to the requirements in a R2A(1) zone. The Special Section 697 for this property designates it to be used for a quattroplex dwelling. The quattroplex is part of a neighbourhood consisting mainly of single detached and semi-detached dwellings. The variance is required to allow for a second unit within the basement of the existing dwelling. The Zoning By-law permits a second unit in a single detached, semi-detached or townhouse dwellings. The intent of the by-law in prohibiting a below grade entrance in the side yard and requiring a minimum amount of interior side yard setback is to ensure that adequate space is provided to allow for drainage, while still allowing access to the rear yard.

Detailed reviews of basement apartment additions to quattroplexes are completed by Building Staff to ensure living and safety concerns are examined and sufficient parking is available as two parking spaces are required per dwelling. When evaluating whether the location of a below grade entrance and resulting interior side yard setback are appropriate, staff look to ensure that its location will not contribute to trespassing onto adjacent properties. Staff are of the opinion that a setback of 1.29 metres provides sufficient space that will allow access to the front and rear yards of the property, limiting the possibility for encroachment on adjacent properties. City Engineering Staff have reviewed the submission and are satisfied with the application as it is not anticipated to negatively impact drainage on the subject parcel or abutting property and permeable landscaping will continue to surround the stairway. Subject to the conditions of approval, Variances 1, 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

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

Variance 1 is requested to permit a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit a side yard setback that is less than what is required by the Zoning By-law. Variance 3 seeks to permit a basement apartment in a quattroplex. Staff had discussions with the applicant, expressing concerns surrounding limited parking on site. The applicant provided revised drawings, illustrating an extended driveway area which maintains zoning regulations. The driveway width falls within the maximum stated in the Zoning By-law but a street tree is located on the property. The applicant was made aware that the tree must be preserved when increasing the size of the driveway and therefore, Staff requested that any further expansion of the driveway be tapered around the tree to limit impacts. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied with the current proposal as a sufficient unobstructed path of travel is provided. The Building Department has completed a review of the basement apartment and did not raise concerns. Subject to the recommended conditions of approval, Variances 1, 2 and 3 are appropriate for the development of the land.

### 4. Minor in Nature

The location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard. Staff have determined that sufficient space is provided to allow for access to the front and rear yard, limiting any trespassing on abutting properties. Allowing the construction of the proposed below grade entrance and second unit within the quattroplex is not anticipated to generate negative impacts to the character of the property or to the ability for proper drainage to be maintained. Subject to the recommended conditions of approval, Variances 1,2 and 3 are considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planning Technician

Appendix A :

