



Report Committee of Adjustment

Filing Date: September 5, 2023

Hearing Date: October 3, 2023

File: A-2023-0275

**Owner/
Applicant:** PAVITTE BOPARAI & RAMANDEEP SINGH BAINS

Address: 41 Ocean Ridge Drive

Ward: WARD 10

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0275 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 drainage on adjacent properties should not be adversely affected;
 3. That the proposed fence used to screen the below grade entrance be constructed as depicted on the sketch, and shall not be removed or lowered, but may be repaired or replaced when necessary;
 4. That the below grade entrance shall not be used to access an unregistered second unit; 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 1262 (R1D-1262)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance located between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit any stairs constructed below established grade between the main wall of a dwelling and the flankage lot line; and
2. To permit a reduced exterior side yard setback of 1.83m (6.00 ft.) to a stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 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 1 Residential' in the Springdale Secondary Plan (Area 2). As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. The requested variances 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 proposed exterior stairway leading to below grade entrance located between the main wall of the dwelling and the front of a flankage lot line whereas the by-law does not permit exterior stairways leading to a below grade entrance to be located between the main wall of a dwelling and the front of a flankage lot line. The intent of the by-law prohibiting below grade entrances between the wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the aesthetic of the overall streetscape. The applicant provided a Site Plan which illustrates that the entrance will be screened from the streetscape through the use of a proposed fence. The proposed exterior stairway and below grade entrance will be constructed along the western wall of the dwelling, which is located at the southeast corner of Ocean Ridge Drive and Arctic Willow Road. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will be screened, limiting visual impact.

Variance 2 is requested to permit a reduced exterior side yard setback of 1,83 metres (6.00 ft.) to a below grade entrance, whereas a minimum exterior side yard setback of 3.0 metres (9.84 ft.) is required by the by-law. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is provided to allow access to the rear yard. City Engineering Staff have also reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, Variance 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

Variances 1 and 2 are requested to permit an exterior stairway leading to a below grade entrance which will be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. The addition of the below grade entrance should not interfere with the streetscape of the community as the applicant has submitted a Site Plan which depicts the stairway and entrance being screened by a fence. It is recommended that a condition of approval be 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 sitting of the property. A condition has been included stating that the fence used to screen the below grade entrance shall remain as constructed, and not be removed or lowered, but may be repaired or replaced when necessary; this will ensure that the side entrance will be screened. Subject to the recommended condition of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit an exterior stairway to a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. Given that the below grade entrance will be screened behind a newly constructed fence that will be adjacent to the side lot line, Staff are satisfied that the existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

