



Report Committee of Adjustment

Filing Date: September 18, 2023

Hearing Date: October 24, 2023

File: A-2023-0288

**Owner/
Applicant:** Brinder Singh Parihar, Amit Parihar

Address: 2 Seastar Road

Ward: WARD 4

Contact: Charles Ng, Planner I

Recommendations:

That application A-2023-0288 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 drainage on adjacent properties and the subject property shall not be adversely affected;
 4. That a fence be constructed in a manner that complies with any applicable by-laws and regulations to screen the exterior stairway leading to a below grade entrance, and that the fence shall not be removed or lowered, but may be repaired or replaced when necessary. As an alternative, the applicant may provide city planning staff with a revised plan depicting vegetation in a manner that screens the exterior stairway leading to a below grade entrance.
 5. That a walkway be constructed in the flankage side yard in a manner that provides safe access to the exterior stairway leading to a below grade entrance and the year yard; and
 6. 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 applicant has submitted a Minor Variance Application to permit an exterior stairway in the flankage side yard leading to a below grade entrance and relief from setback requirements.

Existing Zoning:

The subject property is zoned 'Residential Single Detached D – R1D' with Special Section '1381' (R1D-1381), 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 the dwelling and the flankage lot line, whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line.
2. To permit a proposed exterior side yard setback of 2.09 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3 metres.

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated 'Residential' in the Official Plan, and further designated 'Low/Medium Density Residential' in the Bram West Secondary Plan (Area 40 (C)). The 'Residential' designation in the Official Plan permits residential uses as well as other complementary uses. The 'Low/Medium Density Residential' designation in the Secondary Plan permits residential uses in mixes and densities in accordance with the Official Plan. The requested variances are not considered to have significant impacts within the context of the applicable planning policy framework.

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 to permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line. The intent of the by-law in regulating the location of exterior stairways leading to below grade entrances is to ensure that access the rear yard is appropriately maintained; that drainage is not adversely affected; that the appearance of the below grade entrance does not negatively impact the overall streetscape; and that an adequate and appropriate amount of landscaped area is maintained.

The proposed exterior stairway leading to a below grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of side yard is maintained; significantly affect drainage; or significantly reduce the landscaped area in a manner that is not desirable within the flankage side yard. A condition of approval is included to include the construction of a fence for the purpose of screening the exterior stairway leading to a below grade entrance. Alternatively, the applicant may provide city planning staff with a revised plan depicting vegetation in a manner that screens the exterior stairway leading to a below grade entrance.

Variance 2 is to permit a proposed exterior side yard setback of 2.09 metres (6.85 feet) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres (9.84 feet). The intent of the by-law in regulating setbacks is to manage impacts to the subject property and adjacent properties with respect to privacy, lighting, drainage and site circulation.

Based on the size, location and orientation of the exterior stairway leading to a below grade entrance, privacy, lighting, drainage and site circulation is not anticipated to be adversely affected for the subject property and adjacent properties. An adequate amount of side yard is maintained to access the rear yard. Staff notes that the flankage side yard maintains a slope that degrades away from the dwelling. A condition of approval has been included to construct a pathway to provide safe access to the exterior stairway leading to a below grade entrance as well as the rear yard.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed exterior stairway leading to a below grade entrance is located within the flankage side yard and is not anticipated to significantly affect the subject property, adjacent properties, or the neighbourhood. Furthermore, the requested variances are generally aligned with the planned intent, function, and use of the subject property, the Official Plan and the Zoning By-law.

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

4. Minor in Nature

The proposed exterior stairway leading to a below grade entrance in the flankage side yard is not anticipated to significantly impact access to the rear yard, drainage, the subject property, adjacent properties, or the neighbourhood.

Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Charles Ng

Charles Ng, Planner I

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Appendix B:



