



Report Committee of Adjustment

Filing Date: September 18, 2023

Hearing Date: October 24, 2023

File: A-2023-0292

**Owner/
Applicant:** Gagndeeep Singh, Ginny Ginny

Address: 53 Quail Feather Crescent

Ward: WARD 9

Contact: Charles Ng, Planner I

Recommendations:

That application A-2023-0292 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 owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval, or as extended at the discretion of the Chief Building Official;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That drainage on adjacent properties and the subject property shall not be adversely affected; 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:

The applicant has submitted a Minor Variance Application to permit an exterior stairway in the interior side yard leading to a below grade entrance and relief from setback requirements. The subject property is a quattro plex, which is generally understood as a residential dwelling that contains four separate units, each with its own separate entrances.

Existing Zoning:

The subject property is zoned 'Residential Extended Zone – R2B' with 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 two-unit dwelling in a quattro plex, whereas the by-law does not permit the use.
2. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard.
3. To permit an interior side yard setback of 0.55 metres to a proposed exterior stairway leading to a below grade entrance, whereas the bylaw requires a minimum interior side yard setback of 1.8 metres.
4. To permit a proposed exterior stairway leading to a below grade entrance in a quattro plex, whereas the by-law does not permit exterior stairways constructed below established grade in a quattro plex.

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 'Medium Density Residential' in the Springdale Secondary Plan (Area 2). The 'Residential' designation in the Official Plan permits residential uses as well as other complementary uses. The '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 two-unit dwelling in a quattro plex, whereas the by-law does not permit the use. The intent of the by-law in regulating the number of units within a dwelling is to ensure that the intended planned function and use of the subject property is maintained. Detailed reviews of basement apartment additions for quattro plexes are completed by Building Staff to ensure living and safety concerns are examined and that sufficient parking is available as a minimum of two parking spaces are required per dwelling.

The proposed second unit within the dwelling is located in the basement and is intended to be served with its own access from the side yard. The proposed second unit is not anticipated to detract from the planned intent and function of the subject property.

Variances 2 is to permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 4 is to permit a proposed exterior stairway leading to a below grade entrance in a quattro plex, whereas the by-law does not permit exterior stairways constructed below established grade in a quattro plex. 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 intent of the by-law in regulating exterior stairways leading to below grade entrance for quattro plexes is to further ensure that privacy, trespassing and appropriate access to other units is maintained and not adversely affected.

The proposed exterior stairway leading to a below grade entrance is not anticipated to restrict the ability to access the rear yard or other units as the existing walkway within the interior side yard will be maintained. The subject property is a quattro plex and the entrance to another unit is located within the side yard adjacent to the proposed exterior stairway leading to a below grade entrance. Based on the availability of the side yard, the proposed exterior stairway leading to a below grade entrance is not anticipated to impact access the rear yard or other units within the quattro plex, significantly affect drainage, or reduce the landscaped area in a manner that is not desirable within the side yard. Furthermore, based on the size and orientation of the proposed exterior stairway leading to a below grade entrance, privacy and trespassing is not anticipated to be adversely affected.

Variance 3 is to permit an interior side yard setback of 0.55 metres (1.80 feet) to a proposed exterior stairway leading to a below grade entrance, whereas the bylaw requires a minimum interior side yard setback of 1.8 metres (5.90 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 proposed 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 existing walkway is located within the interior side yard that provides adequate and appropriate access to other units in the quattro plex and the rear yard. This walkway is anticipated to be maintained with the addition of the proposed exterior stairway leading to a below grade entrance.

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 interior 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 interior side yard and associated reduction of setback requirements from 0.55 metres (1.80 feet) to 1.8 metres (5.90 feet) is not anticipated to significantly impact access to the rear yard or other units, drainage, the subject property, adjacent properties, or the neighbourhood.

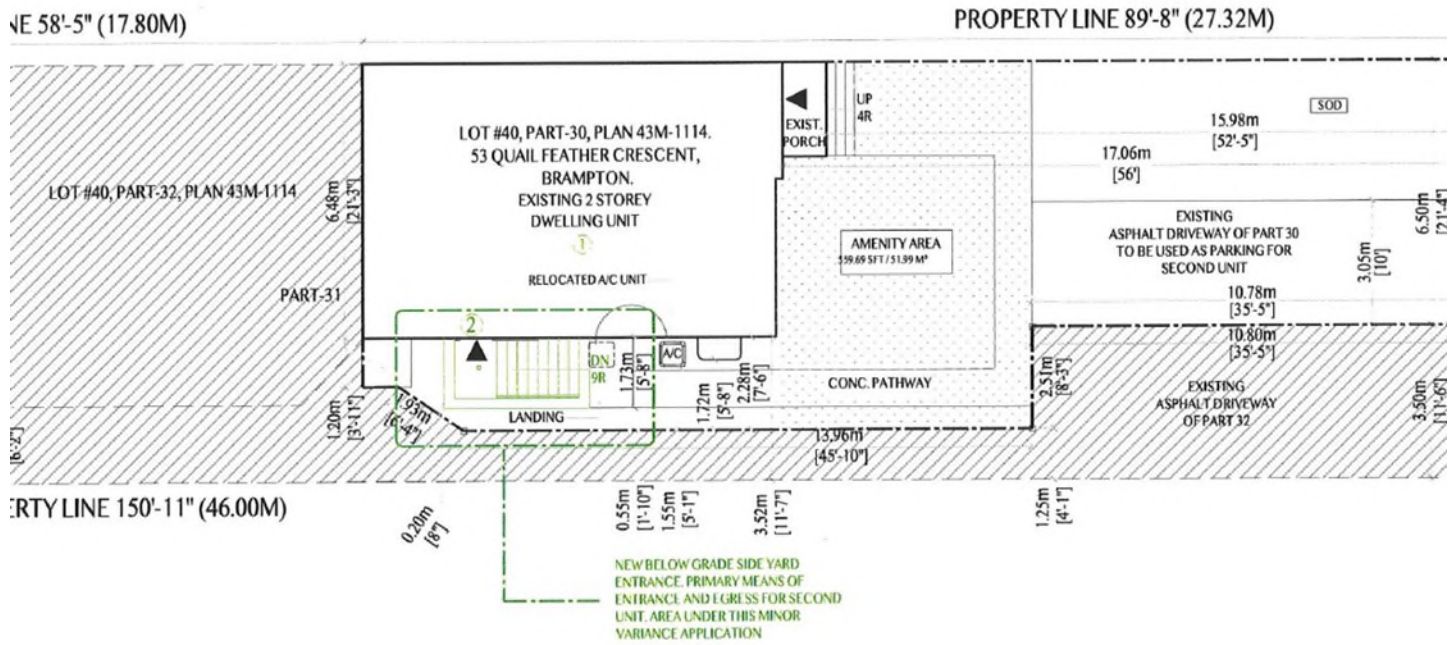
Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Charles Ng

Charles Ng, Planner I

Appendix A:



16.37 M²
124.03%

Appendix B:



