



Report Committee of Adjustment

Filing Date: December 21, 2023

Hearing Date: February 20, 2024

File: A-2023-0424

**Owner/
Applicant:** Mruthyunjaya Amati, Sharanamma Amati
Kruti Shah

Address: 1 Oaklea Blvd

Ward: Ward 4

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2023-0424 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 the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
 5. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 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:

Existing Zoning:

The property is zoned 'Residential Single Detached (R1D)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing 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; and
2. To permit an existing exterior side yard setback of 2 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 property is designated 'Residential' in the Official Plan and 'Low and Medium Density' in the Fletcher's Creek South Secondary Plan (Area 24). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 an existing 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. Variance 2 is requested to permit an existing exterior side yard setback of 2 metres to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3 metres. The intent of the by-law in 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 and that sufficient space is maintained for drainage and access to the rear yard.

The below grade entrance is currently constructed along the northern wall of the dwelling fronting Ray Lawson Blvd. The subject property is a corner lot located at the southwest intersection of Ray Lawson Blvd and Oaklea Blvd. The applicant provided a Site Plan (Appendix B) which illustrates that the entrance will be screened from the streetscape using existing fencing. The existing below grade entrance is not considered to negatively impact the overall streetscape as it will be screened, limiting visual impact. A condition of approval is recommended that the existing fence used to screen the below grade

entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary. 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, Variances 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 existing exterior stairway leading to a below grade entrance which is currently located between the main wall of the dwelling and the front of a flankage lot line and encroach into the exterior side yard setback. The addition of the current below grade entrance should not interfere with the streetscape of the community as the applicant has submitted a Site Plan (Appendix B) which depicts the stairway and entrance being screened by current fencing. 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 of approval is recommended that the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official. 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 existing 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 by fencing 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,

EMailling

Emily Mailling, Planning Technician

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