



## Report Committee of Adjustment

**Filing Date:** February 28, 2023

**Hearing Date:** March 28, 2023

**File:** A-2023-0057

**Owner/**

**Applicant:** ASHIMA DHINGRA & SHREYA DHINGRA/ SHIVANG TARIKA

**Address:** 9 National Crescent

**Ward:** WARD 2

**Contact:** Ellis Lewis, Planning Technician

---

### **Recommendations:**

That application A-2023-0057 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 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;
  3. The below grade entrance shall not be used to access an unregistered second unit; and
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Single Detached- Special Section 686 (R1C-686)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard.
2. To permit an interior side yard setback of 0.2m (0.66 ft.) to a proposed below grade entrance whereas the by-law requires a minimum setback of 0.3m (0.98 ft.) provided that a continuous side yard width of no less than 1.2m (3.94 ft.) is provided on the opposite side.

**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 Residential' in the Snelgrove- Heartlake Secondary Plan (Area 1). 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 an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.2m (0.66 ft.) to a proposed below grade entrance whereas the by-law requires a minimum setback of 0.3m (0.98 ft.) provided that a continuous side yard width of no less than 1.2m(3.94 ft.) is provided on the opposite side. The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard and preventing the encroachment on neighbouring property. Despite the reduced interior side yard width, the applicant is proposing two riser steps on both sides of the below grade landing to provide a continuous path of travel to the front and year 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

Variance 1 is requested to permit below grade exterior stairway in the side yard whereas this is not permitted in the Zoning By-law. Variances 2 is requested to permit an interior side yard setback that is less than what is required by the Zoning By-law. While full setback requirements of the Zoning By-law are not maintained, Staff have reviewed the application and find that drainage will not be negatively impacted on any portions of the property or neighbouring lots. A condition of approval states that the below grade entrance shall not be used to access an unregistered second unit. Given the context of

the site, Staff believe that the stairs will be appropriately located. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

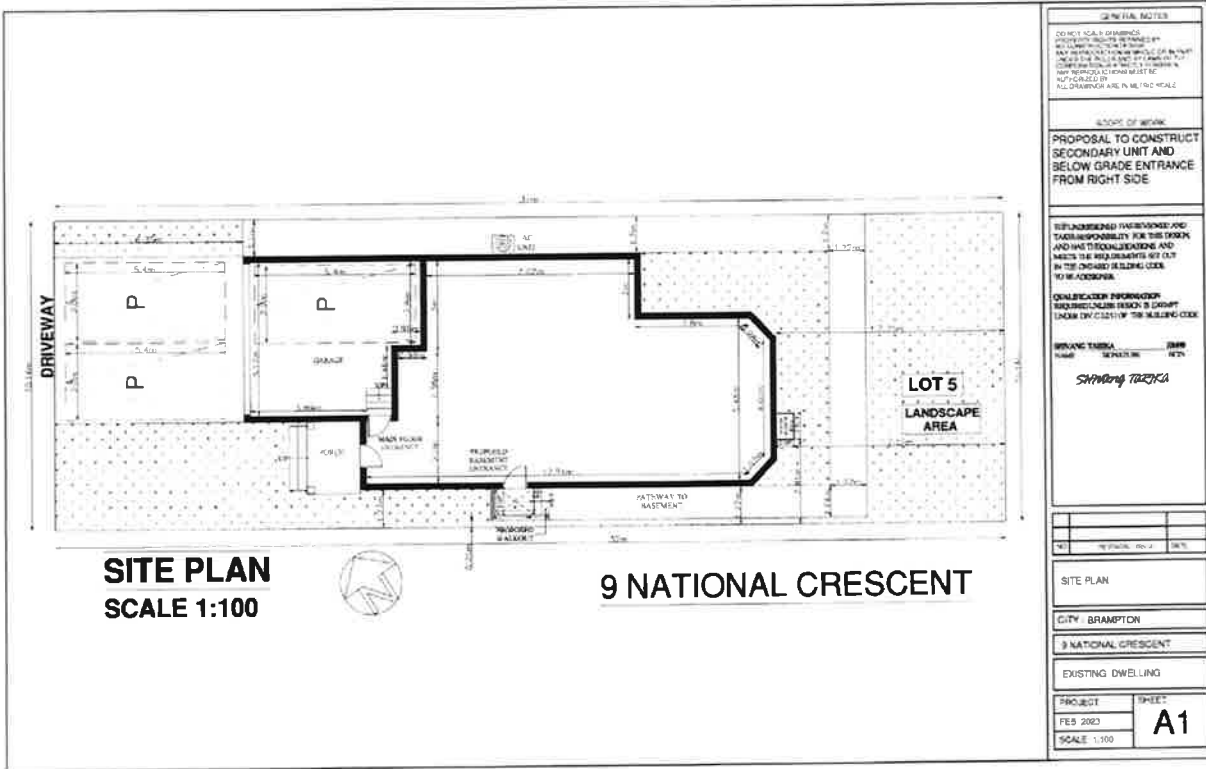
The proposed location of the below grade exterior stairway and reduced interior side yard setback are not considered to impact access to the rear yard or drainage on adjacent properties. Staff have determined that sufficient space is provided to allow for drainage and access to the rear yard. No negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planning Technician

## Appendix A:



**Appendix B:**

