



Report Committee of Adjustment

Filing Date: February 28th, 2023

Hearing Date: March 28th, 2023

File: A-2023-0052

**Owner/
Applicant:** MAANVIR SINGH SIDHU, SHELJA SHARMA AND KARANVIR SINGH SIDHU

Address: 29 KEATS TERRACE

Ward: WARD 6

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0052 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 the applicant obtain a building permit 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;
 4. 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 Semi-Detached A Special Section 1194 – (R2A-1194)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit 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; and

2. To permit an interior side yard setback of 0.03m (0.098 ft), whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft); and

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and further designated 'Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The requested variances seek to permit a below grade entrance in the required interior side yard and to permit an interior side yard setback of 0.03m (0.098 ft) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft). The intent of the by-law in prohibiting below grade entrances in the interior side yard where the opposite side yard setback is less than 1.2m (3.94 ft) is to ensure that sufficient space is maintained to access the rear yard of the property and drainage between the stairs and the property line.

Through City engineering staff review of the proposed development, they provided confirmation that sufficient area of 0.03m (0.098 ft) for drainage purposes is maintained. As the existing below grade entrance includes both two steps down and two steps up, staff are of the opinion that a continuous path of travel to the rear yard is maintained. A condition of approval is also recommended that the below grade entrance shall not be used to access an unregistered second unit and that the owner shall obtain a building permit within 60 days of the decision of approval. Subject to the recommended conditions of approval, the variances requested maintain the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to allow for a below grade entrance in the required interior side yard and an interior side yard setback that does not meet the requirements of the Zoning By-Law. While full setback requirements of the Zoning By-law are not maintained, as the existing below grade entrance includes both two steps down and two steps up, Staff are satisfied that an unobstructed path of travel to access the rear yard can be maintained. Moreover, a concrete pathway indicating a clear path of travel toward both the below grade entrance and the rear yard is provided (see Appendix A).

A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit and that the owner shall obtain a building permit within 60 days of the decision of approval. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit existing site conditions for a below grade entrance located within the required interior side yard and a reduced interior side yard setback. The existing reduced interior side yard setback to permit a below grade entrance is not considered to impact access to the rear yard or drainage on adjacent properties, as adequate drainage and access to the rear yard can be maintained through the two-step riser on both sides of the below grade entrance. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

As such, Variances 1 and 2 are deemed minor in nature. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Site Visit Photos:

