



Report Committee of Adjustment

Filing Date: March 22nd, 2024
Hearing Date: April 23rd, 2024

File: A-2024-0058
**Owner/
Applicant:** PAULY JACOB & ANCY PAUL

Address: 38 FIDELITY AVE

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0058 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 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 - Special Section 1122 - (R1C-1122)', 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 in a required side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and

2. To permit an interior side yard setback of 0.05m to a proposed exterior stairway leading to a below grade entrance whereas the by-law requires a minimum setback of 0.3m to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2m (3.94 ft) is provided on the opposite side of the dwelling.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Fletchers Meadow Secondary Plan (Area 44 a). The requested variances are not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed 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 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. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained. Access to the rear yard is not impacted as access is provided on the opposite side of the home.

Variance 2 is requested to permit an interior side yard setback of 0.05m to an proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum setback of 0.3m to an exterior stairway leading to a below grade entrance in the interior side yard provided that a continuous side yard width of no less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling. The intent of the Zoning By-law in prohibiting below grade entrances in the interior side yard 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. The rear yard is still accessible on the opposite side of the dwelling and engineering staff are of the opinion that drainage is not impacted as result of the proposal.

The 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 variances are requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard and a reduced interior side yard setback of 0.05m. The addition of the below grade entrance should not interfere with access to the rear yard nor negatively impact drainage on adjacent properties. A condition of approval has been included that adjacent properties are not adversely affected and that the below grade entrance shall not be used to access an unregistered second unit.

Subject to the conditions of approval the variance is considered appropriate for the development of the land.

4. Minor in Nature

Given the recommendations of approval, staff are satisfied that the existing drainage and access to the rear yard will not be negatively impacted by the proposed below grade entrance nor would the variance facilitate the use of the stairway/entrance for access to an unregistered unit. The variances, subject to the conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

