



Report Committee of Adjustment

Filing Date: March 22nd, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0073

Owner/

Applicant: SIMARJEET SINGH MAKKER & PREETI CHEEMA

Address: 47 BUSHWOOD TRAIL

Ward: WARD 6

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0073 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 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;
 4. That drainage on adjacent properties should not be adversely affected;
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The Minor Variance application is seeking approval to construct a below grade entrance with stairs located on what is considered the main wall of the dwelling on a corner lot.

Existing Zoning:

The property is zoned 'Residential Townhouse – Special Section 2561 (RE3 – 2561)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed exterior side yard setback of 1.78m to a stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m.

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' in the Low / Medium Density – Mount Pleasant Secondary Plan (Area 51). The requested variance is not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed 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

Variance 1 is requested to permit a proposed exterior side yard setback of 1.78 metres to a stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0 metres.

The intent of the by-law in requiring a minimum exterior setback between a below grade entrance in the front yard and the front lot line is to ensure that the location of the 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 townhouse dwelling is located at the corner of Bushwood Trail. The proposed below grade entrance will be accessed by a staircase located along the west wall of the dwelling. The below grade entrance and associated stairway will result in an exterior side yard setback that complies with the by-law. The proposed of the below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation between the staircase and property line will be maintained. Subject to the recommended condition of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting a variance to facilitate the construction of a proposed below grade entrance between a main wall of the dwelling and a flankage lot line. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the west wall of the dwelling. 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 site context. The below grade entrance will be screened by an existing fence as shown on the site plan. Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties should not be adversely affected. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and existing fence. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

