



Report Committee of Adjustment

Filing Date: April 24th, 2024
Hearing Date: May 21st, 2024

File: A-2024-0107

**Owner/
Applicant:** MANIDER PREET SINGH & DALJEET KAUR / ARCOM DESIGN INC

Address: 29 BACCARAT CRESCENT

Ward: WARD 2

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0107 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 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:

Existing Zoning:

The property is zoned 'Residential Single Detached – R1C-686', 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 an exterior stairway leading to a below grade entrance in a required side yard.
2. To permit an exterior side yard setback of 2.8 metres to a proposed exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres to the side wall of a 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 Density Residential' in the Snelgrove – Heart Lake Secondary Plan (Area 1). 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 to permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit an exterior stairway leading to a below grade entrance in a required side yard.

Variance 2 is requested to permit a proposed exterior side yard setback of 2.8 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 in the side yard and requiring a minimum setback 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 proposed exterior stairway leading to a below grade entrance is not anticipated to restrict the ability to access the rear yard as an adequate amount of space for access is maintained on either side of the property. Additionally, there are no anticipated impacts to drainage as permeable surfaces are being preserved.

The semi-detached dwelling is located on Baccarat Crescent. The proposed below grade entrance will be accessed by a staircase located along the North 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.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to facilitate the construction of a proposed below grade entrance in the required side yard. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the north 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 is proposed to be located behind

an existing fence that encloses the amenity area of the property effectively screening it from public view. 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. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

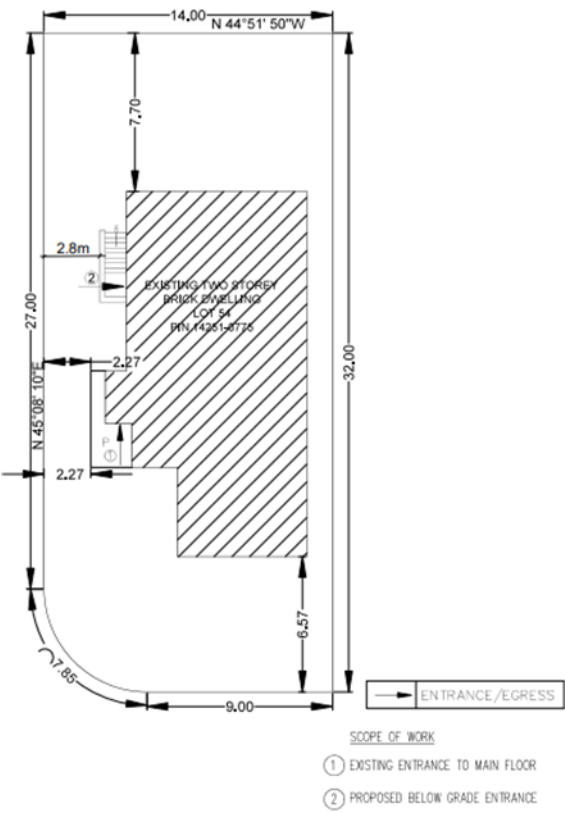
The requested variances are not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and existing screening. Subject to the recommended conditions of approval, the variances are deemed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

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A



Appendix B

