



Report Committee of Adjustment

Filing Date: April 24th, 2024

Hearing Date: May 21st, 2024

File: A-2024-0123

**Owner/
Applicant:** RASHMINDER SINGH & HARINDER KAUR / PAVNEET KAUR

Address: 25 BAVENDEN CRESCENT

Ward: WARD 5

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0123 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 2483 (R1E-2483)', 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 a stairway constructed below established grade in the required interior side yard
2. To permit an interior side yard setback of 0m to a proposed stairway leading to a below grade entrance in the required interior side yard resulting in a combined side yard width of 0.67, whereas the by-law requires a minimum of 0.6 metres provided the combined total of the interior side yards on an interior lot is not less than 1.8 metres where the minimum interior lot width is less than 12.5 metres.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Springbrook Settlement Area' in the Credit Valley Secondary Plan (Area 45). 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 an existing exterior stairway leading to a below grade entrance in a required side yard whereas the by-law does not permit a stairway constructed below established grade in the required interior side yard.

Variance 2 is requested to permit an interior side yard setback of 0m to a proposed stairway leading to a below grade entrance in the required interior side yard resulting in a combined side yard width of 0.67, whereas the by-law requires a minimum of 0.6 metres provided the combined total of the interior side yards on an interior lot is not less than 1.8 metres where the minimum interior lot width is less than 12.5 metres.

The intent of the by-law in prohibiting below grade entrances in the interior 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 existing 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 both sides of the property given the design of the stairs. Additionally, there are no anticipated impacts to drainage as permeable surfaces are being preserved.

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 requested variances to facilitate an existing entrance within the required interior side yard and a reduced side yard setback are not anticipated to significantly affect the subject property or adjacent properties. Conditions of approval noting that the below grade entrance shall not be used to access an

unregistered second unit and that drainage on the adjacent properties shall not be adversely affected have been included.

Subject to the recommended conditions of approval, the requested 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. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix 1

