



Report Committee of Adjustment

Filing Date: April 24th, 2024

Hearing Date: May 21st, 2024

File: A-2024-0114

**Owner/
Applicant:** RAHUL ARORA / DINESH BHUTANI

Address: 12 TINA COURT

Ward: WARD 4

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0114 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 applicant obtain a building permit for the below grade entrance 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 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.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached (R1D)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. 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; and
2. To permit an interior side yard setback of 0.06m to an existing 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 and Medium Density Residential' in the Fletchers Creek South Secondary Plan (Area 24). 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 0.06m to an existing 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 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 the other side of the property. The design of the below grade entrance ensures unimpeded travel to the rear yard with a continuous pathway. The entrance includes three step risers flanking the entrance, eliminating the need to encroach upon neighboring properties. Additionally, there are no anticipated impacts to drainage as permeable surfaces are being preserved. 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 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. Given that the below grade entrance is existing, a condition of approval is recommended that the applicant obtain a building permit for the below grade entrance 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.

Subject to the recommended conditions of approval, the requested variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

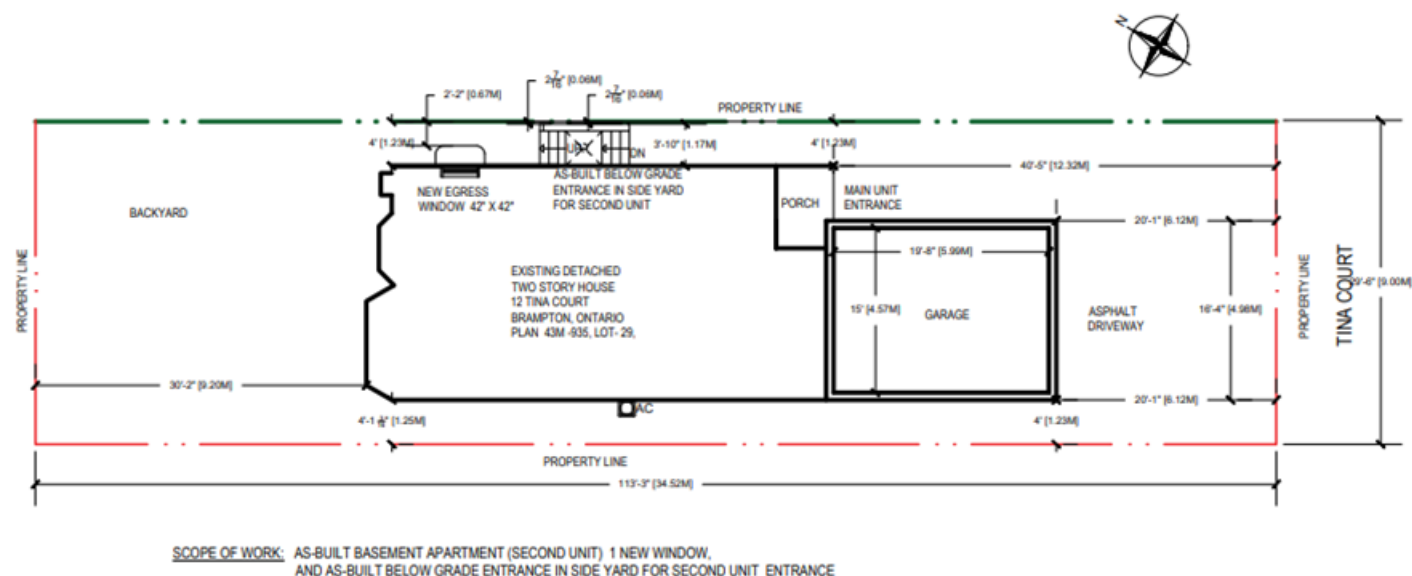
The requested variances are not considered to have significant impact on drainage or limiting access to the property. The location of the existing below grade entrance is appropriate given the site context. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix 1



Appendix 2

