



Report Committee of Adjustment

Filing Date: April 24th, 2024

Hearing Date: July 16th, 2024

File: A-2024-0111

**Owner/
Applicant:** HARVINDER KAUR SINGH / DILIP CHHANIYARA

Address: 37 CRANBERRY CRESCENT

Ward: WARD 4

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0111 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 drainage on adjacent properties not be adversely affected;
 3. 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-2780)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.83m to a below grade window, whereas the by-law requires a minimum interior side yard setback of 1.2m to a below grade window.

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 Creek Secondary Plan (Area 24). The requested variance is not considered to have significant impacts within the context of the Official Plan. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. The variance will facilitate the creation of a legal additional residential unit in the basement of the dwelling. 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

The variance is requested to permit an interior side yard setback of 0.83m to a below grade window, whereas the by-law requires a minimum interior side yard setback of 1.2m to a below grade window. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard.

In the case of the single-detached dwelling, rear yard access is provided on either sides of the dwelling. Despite the reduced setback resulting from the proposed below grade window, rear yard access remains feasible. The design of the below grade window ensures unimpeded travel to the rear yard with a continuous pathway on either side of the dwelling.

Subject to the conditions 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 variance is to facilitate the construction of a proposed window within the required interior side yard. The variance to reduce the resulting setback to the proposed window is not anticipated to negatively affect the subject property or adjacent properties. A condition of approval is recommended that drainage on adjacent properties should not be adversely affected.

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

4. Minor in Nature

The requested variance will facilitate the creation of a below grade window by permitting a reduced setback. The variance is not anticipated to have significant impact on drainage or limiting access to the property due to the site context and proposed configuration. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

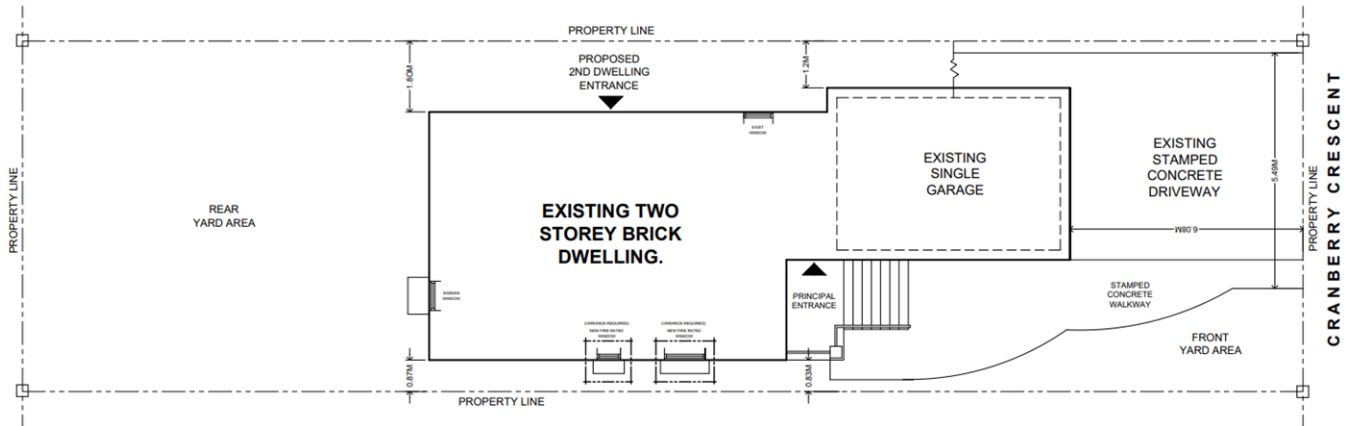
Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A



Appendix B



SITE PLAN:

(SCALE: 3/32" TO 1' 0")