

**Filing Date:** December 14, 2020

**Hearing Date:** January 26, 2021

**File:** A-2020-0148

**Owner/  
Applicant:** **HARISH CHANDRU AND AKSHATHA GUNASHEKAR**

**Address:** **16 Dulverton Drive**

**Ward:** 6

**Contact:** Shelby Swinfield, Planner I

---

**Recommendations:**

That application A-2020-0148 is not supportable.

---

**Background:**

Existing Zoning:

The property is zoned “Residential Single Detached “D” – Special Section 2014 (R1D-2014)” according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a below grade exterior stairway in the required side yard having a setback of 0.06m (0.20 ft.) to the side lot line and where a side yard width of 0.65m (2.14 ft.) is provided on the opposite side of the dwelling, whereas the by-law only permits a below grade exterior stair in the required interior side yard where a minimum 0.3m (0.98 ft.) setback to the side lot line is maintained and where a minimum 1.2m (3.94 ft.) continuous side yard width is provided on the opposite side of the dwelling.

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The property is designated “Residential” in the Official Plan and “Medium Density Residential” in the Fletcher’s Meadow Secondary Plan (Area 44). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. The requested variance is considered to maintain the general intent of the

Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned “Residential Single Detached “D” – Special Section 2014 (R1D-2014)” according to By-law 270-2004, as amended. The requested variance is to permit a below grade exterior stairway in the required side yard having a setback of 0.06m (0.20 ft.) to the side lot line and where a side yard width of 0.65m (2.14 ft.) is provided on the opposite side of the dwelling, whereas the by-law only permits a below grade exterior stair in the required interior side yard where a minimum 0.3m (0.98 ft.) setback to the side lot line is maintained and where a minimum 1.2m (3.94 ft.) continuous side yard width is provided on the opposite side of the dwelling.

The variance is requested to facilitate a below grade entrance in the interior side yard of the single detached dwelling. The intent of the by-law in prohibiting below grade entrances in the interior side yard where the opposite side yard setback is less than 1.2m (3.94 ft) and where the setback to the stairs is less than 0.3m (0.98 ft) 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.

In the case of the subject property, the opposite side of the dwelling from where the below grade entrance and stairs are proposed to be located has a setback of 0.93m (3.05 ft) at its widest point and 0.65m (2.14 ft) at its narrowest point due to the way the lot lines converge on the property. This setback does not provide sufficient space to access the rear of the dwelling. The requested variance is not considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is to permit a below grade entrance in the interior side yard of the property. The setback between the stairs leading to the entrance and the side lot line is not considered to be a sufficient distance to not inhibit drainage for the property. Further, on the opposite side of the dwelling, the setback is not considered to be large enough to provide sufficient access to the rear yard of the property. If the below grade entrance is constructed in the proposed location, access to the rear yard will be inhibited. The requested variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is to permit a below grade entrance in the interior side yard where the opposite side yard is not at least 1.2m (3.94 ft) and the setback to the stairs leading to the entrance is not at least 0.3m (0.98 ft). The setbacks requested by the variance are not considered to provide sufficient distance to ensure clear access to the rear yard, and that drainage will not be impacted by the location of the stairs. The requested variance is not considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I