

Filing Date: December 14, 2020

Hearing Date: January 26, 2021

File: A-2020-0150

**Owner/
Applicant:** REETIKA SAINI AND SANMEET SINGH SIDHU

Address: 13 Dunegrass Way

Ward: 8

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2020-0150 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 Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the fence remain constructed in its current location and height and shall not be removed or lowered; and
4. 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 C – Special Section 1884 (R1C-1884)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed below grade entrance in the required exterior side yard having a setback of 2.9m (9.51 ft.) and located between the main wall of a dwelling and a flankage lot line whereas the by-law does not permit a below

grade entrance between the main wall of the dwelling and a flankage lot line and requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated “Residential” in the Official Plan and “Low Medium/Density Residential” in the Bram East Secondary Plan (Area 41). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions, 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 C – Special Section 1884 (R1C-1884)” according to By-law 270-2004, as amended.

Variance 1, to permit a proposed below grade entrance in the required exterior side yard having a setback of 2.9m (9.51 ft.) and located between the main wall of a dwelling and a flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and a flankage lot line and requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

The intent of the by-law in prohibiting below grade entrances between a main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

In the case of the subject property, the proposed below grade entrance will be located behind the existing fence, screened from the view of the street. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered to ensure that the below grade entrance remains screened. The proposed reduced setback to the stairs is not anticipated to impact drainage for the property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is intended to facilitate a below grade entrance in the fenced area of the property, within the effective amenity space for the property. The location of the entrance will be screened from view by the existing fence. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is related to a proposed below grade entrance. The entrance will not be visible from the public realm and is not anticipated to impact the function of the outdoor amenity space for the property. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I