

**Filing Date:** February 10, 2021

**Hearing Date:** March 9, 2021

**File:** A-2021-0019

**Owner/  
Applicant:** LLOYD DILLON

**Address:** 5 Wetmeadow Drive

**Ward:** 6

**Contact:** Shelby Swinfield, Development Planner 1

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**Recommendations:**

That application A-2021-0019 is not supportable.

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**Background:**

Existing Zoning:

The property is zoned Residential Special Section (R1D-1121)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in a required side yard whereas the by-law does not permit a below grade entrance to be located in a required side yard;
2. To permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) and the combined total of the interior side yards of not less than 1.8m (5.91 ft.).

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' by the Official Plan and 'Low/Medium

Residential' in the Fletchers Meadow Secondary Plan (Area 44).

The requested variances are not considered to have significant impacts within the context of the Official Plan. The requested variances are 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 Special Section (R1D-1121)', according to By-law 270-2004, as amended.

The requested variances are to permit a below grade entrance in a required side yard whereas the by-law does not permit a below grade entrance to be located in a required side yard and to permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) and the combined total of the interior side yards of not less than 1.8m (5.91 ft.).

The intent of the by-law in requiring a minimum setback and minimum cumulative side yard setbacks is to ensure that sufficient space is provided for drainage and access to the rear yard.

The proposed setback of 0.0m to the below grade entrance is not considered to provide sufficient space for drainage. Further, the proposed location of the below grade entrance is considered to impede upon access to the rear yard as it is located in the only side yard with a 1.2m (3.94 ft) setback. The requested variances are not considered to maintain the general intent of the Zoning By-law.

## 3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate a below grade entrance in the interior side yard of the property while providing a 0.0m setback to the stairs leading to the entrance. The location of this below grade entrance is not considered to provide sufficient space for drainage on the property and its location within the property's only 1.2m (3.94 ft) side yard, negatively impacts access to the rear yard. The requested variances are not considered to be desirable for the appropriate development of the land.

## 4. Minor in Nature

The proposed variance will accommodate a below grade entrance in the interior side yard that will negatively impact access to the rear yard. Further, a complete reduction in setback to 0.0m is proposed to the below grade entrance which is anticipated to negatively impact drainage. The requested variances are not considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield,  
Development Planner