

Filing Date: February 10, 2021

Hearing Date: March 9, 2021

File: A-2021-0021

**Owner/
Applicant:** Jaswinder Singh and Amarpreet Kaur

Address: 27 Fallstar Crescent

Ward: 6

Contact: Shelby Swinfield, Planner 1, Development

Recommendations:

That application A-2021-0021 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 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;
3. That the below grade entrance shall not be used to access an unregistered second unit;
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 Special Section 1091 (R1C-1091), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;
2. To permit an interior side yard setback of 0.10m (0.32 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires an interior side yard setback of 0.6m (1.97 ft.), provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.91 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density 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 policies. 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 1091 (R1C-1091), according to By-law 270-2004, as amended. The requested variances are in relation to a proposed below grade entrance in the interior side yard.

The intent of the by-law in prohibiting below grade entrances in the required interior side yard setback and requiring a minimum setback for the interior side yard is to ensure that sufficient area is maintained for access to the rear yard and for drainage.

The proposed setback of 0.10m (0.32 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires an interior side yard setback of 0.6m (1.97 ft.), provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.91 ft.). In the case of the subject property, the reduced setback is not anticipated to negatively impact drainage and sufficient space to access the rear yard is available on the opposite side of the dwelling. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are required in order to permit a below grade entrance in the interior side yard of the dwelling and a reduced setback between the property line and

the stairs leading to the below grade entrance. In the case of the subject property, the reduced setback is not anticipated to negatively impact drainage. Further, the opposing side yard has a setback of at least 1.2m (3.94 ft) which will facilitate access to the rear yard. Conditions of approval are recommended that the entrance not be used to access an unregistered unit, and that a building permit be obtained for the entrance within 60 days of the final date of the Committee's decision to ensure that the entrance and any proposed second unit is constructed in accordance with the Ontario Building Code. Subject to the recommended conditions of approval the requested variances are 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. The location of the entrance is not considered to impact drainage for the subject property or adjacent properties and access to the rear yard is maintained via the opposite side yard. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield,
Development Planner 1