

**Filing Date:** February 10, 2021

**Hearing Date:** March 9, 2021

**File:** A-2021-0023

**Owner/  
Applicant:**

**KULDIP S. DHILLON AND SAPNA BASRAON**

**Address:** 28 Zachary Drive

**Ward:** 2

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

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**Recommendations:**

That application A-2021-0023 is not supportable.

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**Background:**

Existing Zoning:

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

Requested Variance:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.06m (0.19 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) with the distance between detached buildings to be not less than 2.1m (6.89 ft.).

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Snelgrove-Heart Lake Secondary Plan (Area 1). The requested

variances are not considered to have significant implications within the context of the Official Plan policies. The requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential (R1D)', 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 interior side yard setback and requiring a minimum setback for interior side yards is to ensure that sufficient area is maintained for access to the rear yard and for drainage. The proposed setback of 0.06m (0.19 ft.) is not anticipated to provide sufficient space for drainage. Further, the location if the below grade entrance is considered to impede upon access to the rear yard given that the opposite side yard does not have a continuous 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 required in order to permit a below grade entrance in the interior side yard of a dwelling and a reduced setback between the property line and the stairs leading to the below grade entrance. The location of the below grade entrance may inhibit access to the rear yard on this side of the dwelling and is not considered to provide sufficient space for drainage. On the opposite side of the dwelling, the setback is a minimum of 0.6m (2 ft) which is not considered to provide sufficient 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 requested variances are intended to facilitate a below grade entrance in the interior side yard the reduced side yard setback of 0.06m (0.19 ft.) is anticipated to negatively impact access to the rear yard and is not anticipated to provide sufficient space for drainage in the side yard of the property. Therefore, the recommended variances are not considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield  
Development Planner 1