

**Filing Date:** March 23, 2021

**Hearing Date:** March 30, 2021

**File:** A-2021-0033

**Owner/**

**Applicant:** DEBIEY AND RONALD DUNN / ALFRED AGYEPONG

**Address:** 19 Creekwood Dr

**Ward:** 2

**Contact:** Jacqueline Lee, Planner I

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**Recommendations:**

That application A-2021-0033 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 drainage from the accessory structure shall flow onto the subject property;
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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**Background:**

Existing Zoning:

The property is zoned Residential Special Section 686 (R1C-686), according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a 0.10m (0.33ft) setback to a proposed below grade entrance whereas the by-law requires a minimum 0.3m (0.98ft) setback to a below grade entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94ft) is provided on the opposite side of the dwelling.
2. To permit an existing accessory structure (shed) having a 0.0m setback to the rear lot line and a 0.07m (0.23ft) to the side lot line whereas the by-law requires a minimum setback of 0.6m (1.97ft) to all lot lines for an accessory structure.

### **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-Heartlake Secondary Plan (Area 1). 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 686 (R1C-686), according to By-law 270-2004, as amended.

Variances 1 and 2 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.

Variances 1 and 2 proposes a 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 1.2m (3.94ft) on one side and 0.9m (2.95ft) on the other side, with the minimum distance between detached buildings not less than 2.1m (6.89ft). In the case of the subject property, the reduced setback is not anticipated to negatively impact drainage and sufficient space of 1.24m (4.07ft) to access the rear yard is available on the opposite side of the dwelling. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit an accessory structure located in the rear yard of the property. The intent of the by-law in regulating minimum setbacks to all lot lines for accessory

structures is to ensure that sufficient space is provided for drainage. Engineering staff have not raised concerns regarding the existing shed. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 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 (3.94ft) 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, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.


Variance 3 is to permit the existing rear yard shed to remain in its current location on the subject property. The location of the shed does not present any concerns with regard to drainage or significant negative visual impact on adjacent properties. Subject to the recommended conditions of approval, Variance 3 is 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.

The requested reduced setbacks to the rear and side lot lines for the existing accessory structure are noted to not raise engineering concerns. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

  
Jacqueline Lee  
Planner I