

Filing Date: 10-Feb-2021

Hearing Date: 30-Mar-2021

File: A-2021-0023

**Owner/
Applicant:**

Kuldip S. Dhillon and Sapna Basraon – Mandeep Chima

Address: 28 Zachary Drive

Ward: 2

Contact: Tejinder Sidhu, Planner 1, Development

Recommendations:

That application A-2021-0023 is not supportable.

Background:

The subject application was previously brought forward to the Committee of Adjustment hearing on March 9, 2021. However neither the owner or applicant representative were in attendance. As such, it was the decision of the Committee to defer the application.

Existing Zoning:

The property is zoned 'Residential Single Detached D (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 Single Detached D (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 interior side yard setback of 0.06m (0.19 ft.) to the below grade entrance is not anticipated to provide sufficient space for drainage. Further, the location of the below grade entrance is considered to impede 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 as well as a reduced interior side yard setback 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 also 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 and permit a reduced interior side yard setback to a below grade entrance.

The location of the below grade entrance in the interior side yard might impact access to the rear yard and not considered to provide sufficient space for drainage. Further, a reduced side yard setback of 0.06m (0.19 ft.) is anticipated to negatively impact access

to the rear yard and not 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,

T. Sidhu

Tejinder Sidhu
Development Planner 1