



## Report Committee of Adjustment

**Filing Date:** May 12, 2021  
**Hearing Date:** June 22, 2021

**File:** A-2021-0112

**Owner/  
Applicant:** Alice Wiafe

**Address:** 119 Olivia Marie Road

**Ward:** WARD 4

**Contact:** François Hémon-Morneau, Planner I

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### **Recommendations:**

That application A-2021-0112 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; and
  4. 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 Townhouse E (R3E-6-2025)', 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 side yard;
2. To permit an interior side yard setback of 0.71m (2.33 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

### **Current Situation:**

#### **1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated 'Residential' in the Official Plan and 'Low/ Medium Density Residential' in the Bram West Secondary Plan (Area 40c). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

#### **2. Maintains the General Intent and Purpose of the Zoning By-law**

The property is zoned 'Residential Townhouse E (R3E-6-2025)', according to By-law 270-2004, as amended. The requested variances are in relation to an existing below grade entrance and walkout stairs located in the interior side yard.

Variance 1 is 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 side yard. Variance 2 is to permit an interior side yard setback of 0.71m (2.33 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). 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.

In the case of the subject property, the proposed setback of 0.71 metres (2.33 ft.) to the interior side yard is not anticipated to negatively impact drainage and sufficient space to access the rear yard remains available on the 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 an existing below grade entrance in the interior side yard of the dwelling and associated reduced side yard setback. In the case of the subject property, the reduced setback is not anticipated to negatively impact drainage. The retained 0.71 metres (2.33 ft.) setback is considered sufficient to access 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 variances will accommodate an existing 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 remaining access to the rear yard is maintained. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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