



Report Committee of Adjustment

Filing Date: May 20, 2021
Hearing Date: June 22, 2021

File: A-2021-0116

**Owner/
Applicant:** MANJEET KAUR

Address: 23 Sheepberry Terrace

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0116 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. The owner shall obtain a building permit within 60 days of the decision of approval.
 3. That the below grade entrance shall not be used to access an unregistered second dwelling unit;
 4. That drainage on adjacent properties shall not be adversely affected;
 5. That the applicant submits \$310.00 review fee to the Credit Valley Conservation as outlined in their letter dated June 16, 2021;
 6. 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 Single Detached C (R1C-1006)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the interior side yard having a setback of 0.25m to the side lot line and where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling, whereas the by-law permits a below grade entrance in the interior side yard provided that a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling and a minimum setback of 3.0m (9.84 ft.) to the below grade stairway is maintained;
2. To permit an existing accessory structure (shed) having a setback of 0.46m (1.51 ft.) to the side lot line and 0.51m (1.67 ft.) to a rear lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line.

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 Fletchers Meadow Secondary Plan (Area 44). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintains 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 Single Detached C (R1C-1006)', according to By-law 270-2004, as amended. The requested variances relate to an existing below grade entrance and walkout stairs located in the interior side yard which are proposed to be altered.

Variance 1 is requested to permit a below grade entrance in the interior side yard having a setback of 0.25m to the side lot line and where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling, whereas the by-law permits a below grade entrance in the interior side yard provided that a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling and a minimum setback of 3.0m (9.84 ft.) to the below grade stairway is maintained. 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 reconfiguration of the side yard entrance contemplates a below grade landing accessed by three riser steps on either side facilitating and maintaining access to the rear yard. Despite the reduced interior side yard setback of 0.25 metres (0.82 ft.), the variance is not anticipated to negatively impact drainage and access to the rear yard. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an existing accessory structure (shed) having a setback of 0.46m (1.51 ft.) to the side lot line and 0.51m (1.67 ft.) to a rear lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line. The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage.

The proposed reductions are not anticipated to impact drainage for the subject property or adjacent properties. A condition of approval is recommended that roof drainage from the accessory structure shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted. Subject to conditions of approval, variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 relates to the proposed reconfiguration of an existing below grade entrance within the interior side yard of the dwelling. Variance 2 relates to the reduced setbacks of an existing accessory structure located in the rear yard of the property. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected and that the below grade entrance shall not be used to access an unregistered second unit to ensure that any second unit on the premises is in accordance with City By-laws and permit requirements. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances are requested to facilitate the proposed reconfiguration of the below grade entrance within the interior side yard of the dwelling and an existing accessory structure. The reduced side yard setback of the accessory structure and below grade entrance are not anticipated to impact drainage for the property and access to the rear yard. The requested variances, subject to the recommended conditions of approval, are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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