



## Report Committee of Adjustment

**Filing Date:** July 2<sup>nd</sup>, 2021  
**Hearing Date:** August 3<sup>rd</sup>, 2021

**File:** A-2021-0146

**Owner/  
Applicant:** RAJANATHAN JEYAKUMAR

**Address:** 183 TIMBERLANE DRIVE

**Ward:** WARD 4

**Contact:** Simon Lacoste, Assistant Development Planner

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### **Recommendations:**

That application A-2021-0146 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 below grade entrance shall not be used to access an unregistered second unit;
  3. That the owner shall obtain a building permit within 60 days of the decision of approval or within an extended period as approved by the Chief Building Official;
  4. That the opposite side yard remain clear and at least 1.2m wide to provide access to the property's rear yard;
  5. That drainage on adjacent properties shall not be adversely affected;
  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 D (R1D)', 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 interior side yard;
2. To permit an interior side yard setback of 0.05m (0.16 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.);
3. To permit an existing accessory structure (shed) in the rear yard having setbacks of 0.15m (0.49 ft.) to the rear and interior side lot lines 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 property is designated as "Residential" in the Official Plan and "Low and Medium Density Residential" in the Fletchers Creek South Secondary Plan (Area 24). The nature and extent of the requested variances do not impact Official Plan policies. The variances are considered to 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 currently zoned 'Residential Single Detached D (R1D)', according to by-law 270-2004, as amended.

Variance 1 is requested 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 interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.05m (0.16 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 requiring minimum side yard setbacks when a house has a below grade side entrance for a secondary suite is to ensure that sufficient space is maintained to access the rear yard of the property.

On this lot, the opposing side yard is wider than 1.2m (3.94 ft.). This width is sufficient to allow access to the rear yard even if the other interior side yard is too narrow for the by-law requirements. As such, the existing below grade side entrance is not anticipated to negatively impact the rear yard access and drainage for the property. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the zoning by-law.

Variance 3 is requested to permit an existing accessory structure (shed) in the rear yard having setbacks of 0.15m (0.49 ft.) to the rear and interior side lot lines 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 a minimum rear yard setback is to ensure that the accessory building will not adversely impact adjacent properties.

The existing 0.15m (0.16 ft.) interior side yard setback is not considered to have negative impacts on adjacent properties. A condition of approval is recommended that drainage on adjacent properties not

be adversely impacted. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 relating to the existing below grade entrance are required to legalize the existing secondary suite on this property. The reduced interior side yard setback is not anticipated to negatively impact access to the rear yard provided that the exterior side yard setback stays larger than 1.2m (3.94 ft.). The reduction is not anticipated to pose additional negative on-site or off-site concerns. Subject to the conditions of approval, the requested variance is desirable for the appropriate development of the land.

Variance 3 is related to the interior and rear side yards for the existing accessory structure. It is not anticipated to pose adverse impacts on-site or off-site. A condition of approval is recommended that drainage on adjacent properties not be adversely impacted. Subject to the conditions of approval, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are to permit an existing below grade entrance for a secondary unit, a reduced interior side yard for the existing below grade entrance stairs, and reduced rear yard and side yard setbacks for an existing accessory structure. They are not anticipated to negatively impact access to the rear yard, drainage on the site or the existing streetscape.

A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the notice of decision to ensure that the setback is consistent with what is presented in this application. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

*Simon Lacoste*

Simon Lacoste, Assistant Development Planner