



Filing Date: August 16, 2021
Hearing Date: September 14, 2021

File: A-2021-0188

**Owner/
Applicant:** AMIT CHHABRA AND RASHML CHHABRA

Address: 25 Clovercrest Drive

Ward: 6

Contact: Xinyue (Jenny) Li, Planner 1

Recommendations:

That application A-2021-0188 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Public Notice;
 2. That the below grade exterior stairs shall not be used to access an unregistered second unit;
 3. That a building permit for the below grade entrance shall be obtained 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;
 4. Failure to comply with and maintain the conditions of approval shall render the variance null and void.
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Background:

Existing Zoning:

The property is zoned Residential Single Detached R1D-1103 according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 2.1m exterior side yard width to a below grade exterior stairs whereas the by-law requires a minimum of 3.0m exterior side yard width.
2. To permit a below grade exterior stairs located in a yard between the main wall of a dwelling and a front of flankage lot line whereas the bylaw does not permit it.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the official Plan and 'Low/Medium Density Residential' in the Fletcher's Meadow secondary plan (Area 44). The requested variance is not considered to have significant impacts within the context of the Official Plan. Subject to the recommended conditions of approval, the requested variance is 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 Single Detached' Special Section 1103 (R1D-1103) according to By-law 270-2004, as amended.

Variance 1 is requested to permit a 2.1m exterior side yard width to a below grade exterior stairs whereas the by-law requires a minimum of 3.0m exterior side yard width. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. Despite the reduced exterior side yard width, the addition of the below grade exterior stairs is not anticipated to negatively impact drainage and access to the rear yard as there is a minimum setback of 2.1m between the proposed below grade and the property line, which provide sufficient space to access the rear yard and for emergency purposes.

Subject to the recommended conditions of approval Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a below grade exterior stairs located in a yard between the main wall of a dwelling and a front of flankage lot line whereas the by-law does not permit a below grade exterior stairs located between the main wall of a dwelling and the flankage lot line. The intent of the by-law in prohibiting below grade exterior stairs between the main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade exterior staircase does not negatively impact the overall streetscape. In the case of the subject property, the below grade entrance and stairway is located behind an enclosed wood fence as well as trees and is not visible from the street.

Subject to the recommended 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

The proposed variances are intended to facilitate the construction of a below grade entrance and exterior stairs to be located between the main wall of a dwelling and the flankage lot line. The below grade entrance and associated stairways are proposed to be located behind the existing fence and are therefore screened from the street. The reduced exterior side yard width to 2.1m still provide sufficient space to access the rear yard and for emergency situations.

Subject to conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance will accommodate a below grade entrance and exterior stairs to be located between the main wall of a dwelling and the flankage lot line. The location of entrance and exterior stairs are screened from the street, it is not considered to impact drainage and the reduced setback to the proposed exterior stairs provide sufficient space to access the rear yard. Subject to the conditions of approval, the proposed variances on the subject land are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Xinyue' or 'Jenny' followed by a stylized surname.

Xinyue (Jenny) Li,
Planner I, Development Services