



## Report Committee of Adjustment

**Filing Date:** March 24, 2021

**Hearing Date:** April 20, 2021

**File:** A-2021-0071

**Owner/**

**Applicant:** LLOYD DILLON

**Address:** 5 Wetmeadow Drive

**Ward:** 6

**Contact:** Xinyue (Jenny) Li, Planner 1

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### Recommendations:

That application A-2021-0071 is not supportable.

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### Background:

The subject application was previously brought forward to the Committee of Adjustment hearing on March 9, 2021. Staff recommended refusal of the application and the Committee of Adjustment adopted staff recommendation. This new application was submitted with on March 24, 2021 and the noted difference from the previous application is a proposed increase of an interior side yard setback of 0.10m rather than the 0m interior side yard setback as was previously proposed.

### Existing Zoning:

The property is zoned Residential Special Section (R1D-1121)', 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 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 0.10m (0.33ft.) to a below grade entrance, resulting in a combined total interior side yard width of 0.75m (2.46 ft.)

whereas the by-law requires a minimum interior side yard width of 0.6m (1.97 ft.), provided that the combined total interior side yard width is not less than 1.8m (5.91 ft.).

#### **Current Situation:**

##### **1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the City Official Plan and 'Low/Medium Residential' in the Fletchers Meadow Secondary Plan (Area 44).

The requested variances are not considered to have significant impacts within the context of the Official Plan. The requested variances are 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 Special Section (R1D-1121)', according to By-law 270-2004, as amended.

The requested variances are to permit an exterior stairway leading to a below grade entrance in a required side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required side yard and to permit an interior side yard setback of 0.10m to a below grade entrance, resulting in a combined total interior yard setback width of 0.75m, whereas the by-law requires a minimum interior side yard width of 0.6m, provided that the combined total interior side yard width is not less than 1.8m.

The intent of the by-law in requiring a minimum setback and minimum cumulative side yard setbacks is to ensure that sufficient space is provided for drainage and access to the rear yard. The propose setback of 0.10m to the below grade entrance is not considered to provide sufficient space for drainage. Further, the proposed location of the below grade entrance is considered to impede upon access to the rear yard as it is located in the only side yard with a 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 intended to permit an exterior stairway leading to a below grade entrance in the interior side yard of the property while providing a 0.01m setback to the stairs leading to the entrance. The location of the exterior stairway and the below grade entrance is not considered to provide sufficient space for drainage on the property and its location within the property's only 1.2m (3.94 ft) side yard, negatively impacts 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 proposed variance will accommodate an exterior stairway leading to a below grade entrance in the interior side yard that will negatively impact access to the rear yard. Further, a reduction in setback to 0.10m is proposed to the below grade entrance which is anticipated to negatively impact drainage. The requested variances are not considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Xinyue' or 'Jenny', with a large, sweeping loop at the end.

Xinyue (Jenny) Li,  
Planner I, Development Services