



Report Committee of Adjustment

Filing Date: June 6, 2022

Hearing Date: July 12, 2022

File: A-2022-0187

**Owner/
Applicant:** AMANDEEP SINGH GILL AND HARPREET KAUR GILL

Address: 56 Jay Street

Ward: Ward 2

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2022-0187 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 owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official.
3. That the below grade entrance shall not be used to access an unregistered second unit;
4. That drainage on adjacent properties shall not be adversely impacted; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached A2 (R2A(2)-313)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit the total width of both side yards on the lot to be 1.13m (3.71 ft.) whereas the by-law requires the total width of both side yards on the lot to be a minimum of 1.8m (5.91 ft.);

2. To permit a door on the side wall of a dwelling where the distance between the walls of the two dwellings is 2.34m (7.68 ft.) whereas the by-law does not permit a door on the side wall where the distance between the walls of two dwellings is less than 2.4m (7.88 ft.);
3. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance within a required interior side yard;
4. To permit a 1.11m (3.64 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Snelgrove-Heart Lake Secondary Plan (Area 1). The requested variances are not considered to have any impacts within the context of the Official Plan policies and will facilitate the registration of a second dwelling unit. Subject to the recommended conditions of approval, the requested 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 applicant is requesting approval of four variances relating to an existing below grade entrance constructed along the west side of the dwelling. Variance 1 is requested to permit the total width of both side yards on the lot to be 1.13m (3.71 ft.) whereas the by-law requires the total width of both side yards on the lot to be a minimum of 1.8m (5.91 ft.). Variance 2 is requested to permit a door on the side wall of a dwelling where the distance between the walls of the two dwellings is 2.34m (7.68 ft.) whereas the by-law does not permit a door on the side wall where the distance between the walls of two dwellings is less than 2.4m (7.88 ft.). The intent of the by-law in regulating the minimum interior side yard setbacks is to maintain adequate access to the rear yard, an appropriate separation distance between the dwellings, and to ensure that there is sufficient area available to maintain the dwelling.

Variance 3 is requested to permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance within a required interior side yard. The intent of the by-law in not allowing below grade entrances in the required interior side yard is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

Variance 4 is requested to permit a 1.11m (3.64 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit. The intent of the By-law in requiring a minimum path of travel of no less than 1.2m (3.94 ft.) where access to a second unit is provided through a door located in the side yard or rear yard is to ensure that there is sufficient area to act as the primary access to a second unit for both every day and emergency purposes.

The location of the existing below grade entrance is not considered to negatively impact drainage or limit access to the rear yard. The reduced path of travel is not anticipated to significantly limit access to the entrance and is considered to be sufficient for both daily and emergency use. With respect to access, the easterly interior side yard maintains a setback of 1.01m (3.31 ft.) which is considered to be sufficient for the purpose of facilitating access to the rear yard. There remains adequate area available for the purpose of maintaining the dwelling despite the location of the below grade entrance. A condition of approval is recommended that the below grade entrance not be used in conjunction with a non-registered second unit. Additional conditions are also recommended to ensure that the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official. Subject to recommended conditions, the variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit an existing below grade separate entrance situated in an interior side yard. As a condition of approval, it is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land as they are not anticipated to generate negative impacts on-site or off-site.

4. Minor in Nature

The application seeks to recognize and permit a below grade separate entrance, which is already existing, in order to facilitate the registration of a second dwelling unit. The requested variances are not considered to have significant impact on drainage or limit access to the property. Appropriate separation between building and structures is maintained which will facilitate continued access to the rear yard and below grade entrance. Variances 1, 2, 3, and 4 are deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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