



## Report Committee of Adjustment

**Filing Date:** July 5, 2022  
**Hearing Date:** August 2, 2022

**File:** A-2022-0210

**Owner/  
Applicant:** KSHITIJ AGGARWAL AND PONAM AGGARWAL

**Address:** 3 Cheviot Crescent

**Ward:** WARD 2

**Contact:** François Hémon-Morneau, Planner III

---

### **Recommendations:**

That application A-2022-0210 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 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 C (R2C-372)', 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 0.25m (0.82 ft.) to a proposed below grade entrance, resulting in a combined side yard of 1.68m (5.51 ft.) whereas the by-law requires the total width of both side yards on any lot be not less than 2.1m (6.88 ft.).

## **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 nature and extent of the proposed 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 first variance 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. The second variance is requested to permit an interior side yard setback of 0.25m (0.82 ft.) to a proposed below grade entrance, resulting in a combined side yard of 1.68m (5.51 ft.) whereas the by-law requires the total width of both side yards on any lot be not less than 2.1m (6.88 ft.). The intent of the by-law in not allowing below grade entrances in the required interior side yard, and requiring a minimum amount of interior side yard setback is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

The proposed below grade entrance and associated setback into the required interior side yard is not considered to have significant impact on drainage and space will be maintained for access to the rear yard on the opposite side of the dwelling. The variances are considered to 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 a proposed stairway and below grade entrance which will be situated in the required interior side yard. A condition of approval is recommended the below grade entrance shall not be used to access an unregistered second unit. It is also recommended that A condition of approval is recommended that the owner shall obtain a building permit for the below grade entrance. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land as they do not generate negative impacts on-site or off-site.

### **4. Minor in Nature**

The requested variances are not expected to have significant impact on drainage or limit access to the property given that access is maintained on the opposite site of the dwelling. The application seeks to permit changes that will improve the current below grade entrance to comply with the Building Code. Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner III