



Report Committee of Adjustment

Filing Date: July 15, 2022
Hearing Date: August 23, 2022

File: A-2022-0214

**Owner/
Applicant:** DHANSUKHLAL GANDHI, DHARMESH GANDHI AND KAVITA GANDHI

Address: 20 Seymour Road

Ward: WARD 9

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0214 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.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached F (R1F-9-2368)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.14m (0.45 ft.) to the exterior stairway leading to a below grade entrance, resulting in a combined side yards of 0.77m (2.52 ft.) whereas the by-law requires 0.6m (1.96 ft.) provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.90 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density' in the Countryside Villages Secondary Plan (Area 48b). 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 a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard. The second variance is requested to permit an interior side yard setback of 0.14m (0.45 ft.) to the exterior stairway leading to a below grade entrance, resulting in a combined side yards of 0.77m (2.52 ft.) whereas the by-law requires 0.6m (1.96 ft.) provided the combined total of the interior side yards on an interior lot is not less than 1.8m (5.90 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 reduction into the required interior side yard is not anticipated 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. The below grade entrance is not anticipated to generate negative impacts on-site or off-site. A condition of approval is recommended the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The application seeks to permit the location of a proposed below grade entrance in order to facilitate the creation of a second dwelling unit on the property. 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. Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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