



Report Committee of Adjustment

Filing Date: July 21, 2022
Hearing Date: August 23, 2022

File: A-2022-0227

**Owner/
Applicant:** KULWINDER BRAR

Address: 124 Cordgrass Crescent

Ward: WARD 9

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0227 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 D (R1D-807)', 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 0.63m (2.07 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.93 ft.);

3. To permit the side yard of 0.63m (2.07 ft.) abutting the side yard of an adjacent lot which is 1.2m (3.93 ft.) or greater in width, whereas the by-law requires the side yard with the minimum width of 1.2m to be located on the side of the lot abutting the side yard of an adjacent lot which is 1.2m (3.93 ft.) or greater in width.
4. To permit an existing accessory structure (shed) having a side yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

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 Springdale Secondary Plan (Area 2). 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 0.63m (2.07 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.93 ft.). The third variance three is requested to permit the side yard of 0.63m (2.07 ft.) abutting the side yard of an adjacent lot which is 1.2m (3.93 ft.) or greater in width, whereas the by-law requires the side yard with the minimum width of 1.2m to be located on the side of the lot abutting the side yard of an adjacent lot which is 1.2m (3.93 ft.) or greater in width. 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 anticipated to have significant impact on drainage. Given the proposed location and configuration of the below grade entrance stairway, access to the rear and side yards of the property will be maintained. Variances 1, 2, and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an existing accessory structure (shed) having a side yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines. The intent of the by-law in regulating a minimum setback to all lot lines for accessory structures is to ensure adequate room is provided for drainage.

The location of the storage shed is not considered to be adversely impacting drainage on the property or adjacent properties. The structure maintains all other Zoning By-law requirements. Variance 4 is 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 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. Additionally, the location of the existing storage shed is not considered to generate negative impacts to the property or adjacent properties. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

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 the location of a proposed below grade entrance in order to facilitate the creation of a second dwelling unit on the property and the location of an existing shed. Variances 1, 2, 3, and 4 are deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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