



Report Committee of Adjustment

Filing Date: August 4, 2022
Hearing Date: September 23, 2022

File: A-2022-0249

**Owner/
Applicant:** SANDEEP SODHI AND GURDEEP SINGH SADHRA

Address: 41 Totten Drive

Ward: WARD 9

Contact: Mohammed Jalabi- Assistant Development Planner

Recommendations:

That application A-2022-0249 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 and in accordance with the revised site plan drawing (Appendix A);
 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:

The Minor Variance application is seeking approval to construct a below grade entrance within a required interior side yard. Following staff's review of the application, the proposed configuration for the below grade entrance was not found to be supportable because it would facilitate trespassing onto the neighbouring property. Staff discussed this matter with the applicant and the below grade entrance and landing was reconfigured to include two riser steps on either side of the landing in order to ensure continuous access to the rear yard. A revised site plan drawing was submitted to staff depicting the updated design and no changes to the extent or nature of the variances are required.

Existing Zoning:

The property is zoned 'Residential Town House (R3A-7.5)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. 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;
2. To permit an interior side yard setback of 0.23m (0.75 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94).

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 Residential' 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 within a required interior side yard whereas the by-law does not permit a below grade entrance within a required interior side yard. The second variance is requested to permit an interior side yard setback of 0.23m (0.75 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94). 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. As depicted in the revised site plan (Appendix A), the applicant has reconfigured the design of the below grade entrance to include two riser steps on either side of the landing in order to ensure continuous access to the rear yard and limit impacts to the adjacent property. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, 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 required in order to permit a below grade entrance within a required interior side yard. The variances are not considered to have any negative impacts to the property or adjacent properties given the revised configuration and design of the entrance. Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, variances 1 and 2 are considered desirable for the appropriate development of land.

4. Minor in Nature

The requested variances for the construction of a below grade entrance and interior side yard setbacks are not considered to have significant impact on drainage or limiting access to the property. The variances are deemed minor in nature.

Respectfully Submitted,
Mohammed Jalabi
Mohammed Jalabi, Assistant Development Planner

Appendix A – Revised Site Plan

