



Report Committee of Adjustment

Filing Date: September 08, 2022
Hearing Date: October 04, 2022

File: A-2022-0291

**Owner/
Applicant:** MEENAKSHI SAINI & RAJINDER SAINI

Address: 39 Kelways Circle

Ward: WARD 8

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0291 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 E (R1E-1959)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an exterior stairway leading to a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit exterior stairways constructed below established grade between the main wall of a dwelling and the flankage lot line.

Current Situation:

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

The property is designated 'Residential' and 'Open Space' in the Official Plan and 'Low Density Residential' in the Bram East Secondary Plan (Area 41a). The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit an exterior stairway leading to a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit exterior stairways constructed below established grade between the main wall of a dwelling and the flankage lot line. The intent of the by-law in prohibiting exterior stairway leading to a below grade entrances between a main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape.

The proposed stairway leading to a below grade entrance between the main wall and flankage lot line is not considered to have significant impact on drainage and sufficient space is maintained for access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is required in order to permit an exterior stairway leading to a below grade entrance between the main wall of a dwelling and the flankage lot line. 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 condition of approval, the variance is considered desirable for the appropriate development of the lands as they do not generate negative impacts on-site or off-site.

4. Minor in Nature

The requested variance required for the exterior stairway leading to the below grade entrance is not considered to have a significant impact on drainage or limit access to the rear of the property. The variance is deemed minor in nature.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner