



## Report Committee of Adjustment

**Filing Date:** September 12, 2022

**Hearing Date:** October 25, 2022

**File:** A-2022-0293

**Owner/  
Applicant:** ANUP SHARMA & HARANJAL KAUR

**Address:** 149 WHITEWELL DRIVE

**Ward:** WARD 10

**Contact:** Mohammed Jalabi, Assistant Development Planner

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### **Recommendations:**

That application A-2022-0293 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 (R1A)', 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 0.17m (0.56 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

### **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Residential' in the Vales of Castlemore Secondary Plan (Area 42). 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

Variance 1 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. Variance 2 is requested to permit an interior side yard setback of 0.17m (2.62 ft) whereas the by-law requires a minimum of 1.2m (3.94 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 stairway leading to a below grade entrance encroaching into the required interior side yard is not considered to have significant impact on drainage and maintains sufficient space of 0.17m (2.62 ft.) for access to the rear yard. Upon staff conducting a site visit, it was noted that sufficient space for safe accesses and travel would be available. Furthermore, current landscape would permit for adequate drainage on the property. The proposed development is not anticipated to generate any impacts on or off site. 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 applicant is requesting a variance to facilitate the construction of a proposed below grade entrance in the interior side yard between a main wall of the dwelling and the interior lot line. The proposal maintains sufficient space of 0.17m (2.62 ft.) for safe and easy access to the rear yard. Therefore, staff do not anticipate any impact of accessing the property and consider the location of the below grade entrance appropriate. 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, variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances for the construction of a below grade entrance are not considered to have significant impact on drainage or limiting access to the property. Upon conducting a site visit, it was noted that sufficient landscape is provided for drainage and safe and easy passage and access for everyday and emergency use. Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner