



Report Committee of Adjustment

Filing Date: October 27th, 2022
Hearing Date: December 6th, 2022

File: A-2022-0351

**Owner/
Applicant:** ARSHPREET MALHI AND RAJDEEP SINGH SANDHU

Address: 9 Dandelion Road

Ward: 9

Contact: Rabia Ahmed, Planner I

Recommendations:

That application A-2022-0351 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 drainage from the accessory structure shall not flow onto the adjacent property and that drainage on adjacent properties shall not be adversely affected;
 4. 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 Variance:

The applicants are requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard.
2. To permit an interior side yard setback of 0.0m (0 ft.) to an exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).
3. To permit an accessory structure (storage shed) having a 0.0m setback to the side and rear property lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines for an accessory structure.

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 1' within the Springdale Secondary Plan (Area 2). The Residential designation supports the current use and the requested variances are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential Single Detached D, subject to Special Section 807 (R1D-807), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an exterior stairway leading to a below grade entrance in the required interior side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.0m (0 ft.) to an exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum interior side yard setback is to ensure that sufficient space is maintained to access the rear yard of the property and for drainage between the stairs and the property line.

The proposed below grade entrance and related reduction in the interior side yard setback is not anticipated to significantly impact drainage or access to the rear yard. There is a strip of permeable landscaping at the property line to support drainage, and the configuration of the below grade entrance will provide steps towards the rear of the property for access to the rear yard. In addition, the subject property has adequate space in the opposite interior side yard setback 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.

Variance 3 is requested to permit an accessory structure (storage shed) having a 0.0m setback to the side and rear property lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines for an accessory structure. The intent of the bylaw in requiring a setback for an accessory structure from the side and rear property lines is to ensure that access to the rear yard is maintained, and drainage on adjacent properties is not impacted.

The existing shed does not impact access to the rear yard. The existing shed is constructed and placed in such a way that it does not appear to create runoff onto neighbouring properties. The edges of the shed's roof appear to direct runoff onto the subject property. To ensure drainage on neighbouring properties is not affected, a condition of approval is recommended that drainage from the accessory structure shall not flow onto the adjacent property and that drainage on adjacent properties shall not be adversely affected.

Subject to the recommended conditions of approval, the variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances to permit a below grade entrance in the interior side yard and permit a related reduction in the interior side yard setback are not anticipated to create negative impacts on the property or on adjacent properties. A condition of approval is recommended that the below grade entrance not be used to access an unregistered second unit.

To ensure that there are no adverse impacts from drainage onto adjacent properties, a condition of approval is recommended that drainage from the accessory structure shall not flow onto the adjacent property and that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions, the requested variances are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit a below grade entrance in the interior side yard and permit a reduction in the side yard setback are not anticipated to have significant adverse impacts on adjacent properties, drainage on the subject property, or access to the rear yard. The requested variance to permit an accessory structure with a reduced setback from the rear and side property lines is not considered to have negative impacts on neighboring properties. Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

Rabia Ahmed

Rabia Ahmed, Planner I