



## Report Committee of Adjustment

**Filing Date:** September 08, 2022

**Hearing Date:** December 06, 2022

**File:** A-2022-0362

**Owner/  
Applicant:** THAKUR VIRSINGH & HARPREET KAUR

**Address:** 31 Browley Drive

**Ward:** WARD 6

**Contact:** Simran Sandhu, Assistant Development Planner

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### **Recommendations:**

That application A-2022-0362 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 d (R1D-1129)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;

2. To permit an exterior side yard setback of 1.2m (3.94 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Fletchers Meadow Secondary Plan (Area 44a). 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 1 is requested to permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line. The intent of the by-law in prohibiting 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. Variance 2 is requested to permit an exterior side yard setback of 1.2m (3.94 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is provided to allow access to the rear yard.

The below grade entrance will be screened from the streetscape by a proposed fence. The below grade entrance is not considered to negatively impact the overall streetscape as it will be screened at not be visible. The proposed stairway leading to a below grade entrance encroaching into the required exterior side yard 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. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

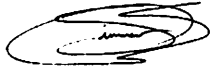
3. Desirable for the Appropriate Development of the Land

The requested variances 1 and 2 are intended to permit a below grade entrance between the main wall of the dwelling and flankage lot line which will encroach into the exterior side yard setback. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

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,

A handwritten signature in black ink, appearing to read "Simran Sandhu", enclosed within a large, loopy oval shape.

Simran Sandhu, Assistant Development Planner