



Report Committee of Adjustment

Filing Date: December 15, 2022
Hearing Date: January 24, 2023

File: A-2022-0407

**Owner/
Applicant:** ROHIT PRASAD & NEHA PRASAD

Address: 125 Sunny Meadow Blvd

Ward: WARD 9

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0407 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 and,
 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 as-built stairs and below grade entrance are currently located within the rear yard, and are proposed to be demolished. The current driveway for the property is legal non-conforming and is measured at a width of 8.2m (26.11 ft.), therefore, no variance is required to permit the current use of the driveway. Any changes to the current site conditions will require further review.

Existing Zoning:

The property is zoned 'Residential Single Detached C (R1C-846)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a below grade entrance in the interior side yard having a setback of 0.06m (0.20 ft.) whereas the by-law requires a minimum setback of 0.3m (0.98 ft.) to a below grade entrance in a required side yard provided there is a continuous 1.2m (3.94 ft.) side yard on the opposite side of the dwelling.

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 variance is requested to permit a below grade entrance in the interior side yard having a setback of 0.06m (0.20 ft.) whereas the by-law requires a minimum setback of 0.3m (0.98 ft.) to a below grade entrance in a required side yard provided there is a continuous 1.2m (3.94 ft.) side yard on the opposite side of the dwelling. The intent of the by-law in not allowing below grade entrances in the interior side yard, and requiring a minimum interior side yard setback is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

The applicant is proposing to construct a below grade entrance encroaching into the required interior side yard. The entrance is not expected to impact drainage and a continuous side yard width of 1.2m (3.94 ft.) is provided on the opposite side of the dwelling to maintain 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 applicant is requesting a variance to facilitate the construction of a proposed below grade entrance in the interior side yard between the main wall of the dwelling and the interior lot line. The owner is advised that drainage on the adjacent properties shall not be adversely affected. 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 land.

4. Minor in Nature

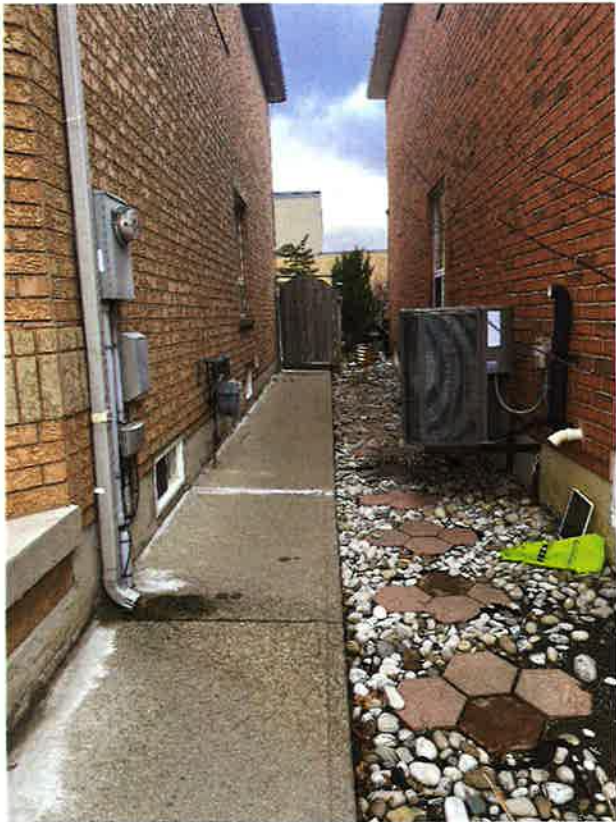
The requested variance for the construction of a below grade entrance are not considered to have significant negative impact on drainage or limiting access to the property. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner

Appendix A



Interior side yard with proposed below grade entrance



Opposite side yard from proposed below grade entrance



Existing below grade entrance in rear yard to be demolished

