

**Filing Date:** October 9, 2020  
**Hearing Date:** November 10, 2020

**File:** A-2020-0109

**Owner/  
Applicant:** SHIBA BASNET AND SEEMA BASNET

**Address:** 8 Preakness Court

**Ward:** 4

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That application A-2020-0109 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 Public Notice;
2. That the below grade entrance shall not be used to access an unregistered second unit;
3. That the applicant obtain a building permit for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
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 – Special Section 2780 (R1D-2780)" according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is 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 0.95m (3.12 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.).

### **Current Situation:**

#### **1. Conforms to the Intent of the Official Plan**

The property is designated as "Residential" in the Official Plan and "Low Density Residential" in the Fletcher's Creek South Secondary Plan (Area 24). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

#### **2. Conforms to the Intent of the Zoning By-law**

The property is zoned "Residential Single Detached D – Special Section 2780 (R1D-2780)" according to By-law 270-2004, as amended.

The requested variances are to permit a below grade entrance to be located within the interior side yard of the property, and to permit a setback of 0.95m (3.12 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 requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for accessing the rear yard.

In the case of the subject property the two lot lines converge toward the front of the lot. Because of this, on the opposite side of the dwelling there is a "pinch point" between the front corner of the dwelling and the lot line which provides a setback of 1.10m (3.6 ft) however past that point the setback largely exceeds 1.2m (3.96 ft). It is anticipated that this side yard will provide sufficient access to the rear yard.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

#### **3. Desirable for the Appropriate Development of the Land**

The requested variances are intended to permit a below grade entrance within the interior side yard which is intended to be used as an entrance to a secondary unit within the dwelling. A condition of approval is recommended that the entrance not be used to access an unregistered second unit in order to ensure that any second unit is constructed in accordance with the Ontario Building Code. Further, a condition of approval is recommended that the applicant obtain a building permit for the existing below grade entrance within 60 days of the final date of the Committee's decision in order to ensure that it has been constructed in accordance with the OBC. Subject to the recommended conditions of approval, the requested variances are considered to be

desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are intended to facilitate a below grade entrance to a secondary unit within the interior side yard of the residential property. The location of the entrance does not present any concerns with regard to drainage for the subject properties or adjacent properties, and sufficient space to access the rear yard is maintained on the opposite side of the dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, , Planner I, Development