



Report Committee of Adjustment

Filing Date: February 7, 2023

Hearing Date: March 7, 2023

File: A-2023-0023

**Owner/
Applicant:** DHILLON GURBAKSH

Address: 202 Kingknoll Drive

Ward: WARD 4

Contact: Paul Brioux, Planning Technician

Recommendations:

That application A-2022-0023 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 owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval
 3. That the below grade entrance shall not be used to access an unregistered second unit; and
 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 (R1D)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard having a setback of 0.18m (0.60 ft.) whereas the by-law requires a minimum 0.3m (0.98 ft.) setback to a below grade

entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling;

2. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Residential – Low and Medium Density' in the Fletchers Creek South Secondary Plan (Area 24). Subject to the recommended conditions of approval, the requested variance is 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 first variance is requested to permit a below grade entrance in the required interior side yard having a setback of 0.18m (0.60 ft.) whereas the by-law requires a minimum 0.3m (0.98 ft.) setback to a below grade entrance in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling.

The second variance is requested to permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard.

The intent of the by-law in prohibiting below grade entrances in the interior side yard and prohibiting below grade entrances in a required side yard where a continuous side yard width of not less than 1.2m (3.94 ft) is provided on the opposite side of the dwelling is to provide adequate room for residents to access the rear yard through a continuous path of travel without encroaching on the neighbouring property. The proposed concept plan indicates three riser steps up and down at the landing of the below grade entrance, staff are satisfied that a continuous path of travel along the interior side yard is sufficiently provided. Subject to the conditions of approval, the requested 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 variances for a side yard setback and provision of a below grade entrance are not considered to have negative impacts on access to the rear yard as a path of travel is provided through the riser steps on the landing. Access to the rear yard is also provided through an unobstructed path of travel on the opposite side yard. City engineering staff have also reviewed the proposed development are satisfied that the proposed development does not negatively impact drainage on the subject parcel or the abutting property. Subject to the recommended approval conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances pertaining to the existing side yard setback and provision of a below grade entrance are not considered to have negative impacts on the neighbouring property or in access to the rear yard. The risers on both sides of the landing coupled with a clear path of travel on the opposite side yard of the property allows the provision of rear yard access without encroaching on to the neighbouring property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Planning Technician