



## Report Committee of Adjustment

**Filing Date:** May 5, 2023  
**Hearing Date:** June 20, 2023

**File:** A-2023-0146

**Owner/  
Applicant:** JOGINDER SINGH & SUKHWINDER KAUR

**Address:** 4 Broad Oak Court

**Ward:** WARD 4

**Contact:** Ellis Lewis, Planning Technician

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### Recommendations:

That application A-2023-0146 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 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;
  3. That drainage on adjacent properties should not be adversely affected;
  4. The below grade entrance shall not be used to access an unregistered second unit; and
  5. 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)', 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 a required interior side yard whereas the by-law does not permit a below grade entrance to be located within a required interior side yard; and
2. To permit a reduced interior side yard setback of 0.0m 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. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low and Medium Density Residential' in the Fletchers Creek South Secondary Plan (Area 24). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested 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

Variance 1 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 side yard. Variance 2 is requested to permit an interior side yard having a setback of 0.0 metres whereas the by-law requires a minimum interior side yard setback of 1.2 metres (3.94 ft.). The intent of the by-law in prohibiting a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard and preventing the encroachment on neighbouring property. The applicant has stated that the retaining wall for the stairs is between the steps and the property line and that the entrance will remain as built. The applicant provided drawings illustrating that there is a minimum of 1.10 metres (3.60 ft.) path of travel on the opposite side of the property which would ensure access to the rear yard is maintained. Subject to the conditions of approval, 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

Variance 1 and 2 are requested to permit a below grade entrance in the interior side yard and to permit a reduction to the interior side yard setback. Despite the proposed below grade entrance resulting in the elimination of the interior side yard setback requirements, Staff are satisfied that the proposal as an unobstructed path of travel is maintained on the opposite side of the property, limiting opportunity for encroachment on adjacent parcels. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit. Subject to the

recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

The location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard as residents will not need to trespass on adjacent lots. The application has been reviewed by Staff and they are of the opinion that neighbouring properties should not be negatively impacted by the proposal. No negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planning Technician

**Appendix A:**

