



Report Committee of Adjustment

Filing Date: May 23, 2023

Hearing Date: June 20, 2023

File: A-2023-0165

**Owner/
Applicant:** RAVINDER SINGH

Address: 86 Clearfield Drive

Ward: WARD 10

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0165 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 Semi- Detached E (R2E)', 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 whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit an interior side yard setback of 0.97m (3.18 ft.) 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 Bram East Secondary Plan (Area 41). 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 seeks 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. Variance 2 is requested to permit an interior side yard setback of 0.97m (3.18 ft.) 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 prohibiting an exterior stairway to 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.

When reviewing whether the location of a below grade entrance and resulting interior side yard setback are appropriate, staff look to ensure that its location will not contribute to trespassing onto adjacent properties. Staff are of the opinion that a setback of 0.97 metres provides sufficient space that will allow access to the front and rear yards of the property, limiting the possibility for encroachment on adjacent properties. City Engineering Staff have reviewed the application and are satisfied with the submission as it does not negatively impact drainage on the subject parcel or abutting property. 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

The variances are requested to permit an interior side yard setback existing exterior stairway to a below grade entrance in the side yard whereas it is not permitted in the Zoning By-law. Despite the below grade entrance resulting in a reduction to the interior setback requirements of the Zoning By-law, Staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and

rear yard is provided, which is parallel to the stairway. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit. Given the context of the site, Staff are of the opinion that the entrance will be appropriately located. 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 location of the proposed below grade entrance to access the house is appropriate given the site context. Staff have determined that sufficient space is provided to allow for drainage and therefore, should not negatively impact abutting properties. 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:

