



Report Committee of Adjustment

Filing Date: May 24, 2023

Hearing Date: June 20, 2023

File: A-2023-0167

Owner/

Applicant: Ranjeet Kaur and Gurpreet Singh / Navpreet Kaur - Noble Prime Solutions

Address: 50 Great Plains Street

Ward: 9

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0167 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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;
 3. That the owner shall obtain a building permit of the below grade entrance within 60 days of the decision or extended 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 734 (R1D-734)', 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; and
2. To permit an interior side yard setback of 0.02m (0.07 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 Density Residential 1' in the Springdale Secondary Plan (Area 2). 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 0.02m whereas the by-law requires a minimum interior side yard setback of 1.2m. 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. City Engineering Staff have also reviewed the application and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Despite the 0.02 metre setback, the possibility of an encroachment is mitigated as four step risers are provided on both sides of the entrance. 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 is requested to permit a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 is requested to permit an interior side yard setback that is less than what is required by 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 the existing site conditions which features four riser steps in both directions, providing an unobstructed path of travel to and from the front and rear yard. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and a building permit be obtained within 60 days of the decision or extended at the discretion of the Chief Building Official. Given the context of the site, Staff believe that the stairs are 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 proposed location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard or drainage on adjacent properties. The location of the

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 access to the rear yard. 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. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos

