



## Report Committee of Adjustment

**Filing Date:** October 5, 2023  
**Hearing Date:** November 14, 2023

**File:** A-2023-0307

**Owner/  
Applicant:** Hardip Gill, Manjit Gill, Simrandeep Gill  
Harjinder Singh

**Address:** 15 Albery Rd

**Ward:** Ward 6

**Contact:** Ben Suchomel, Student Planner

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### **Recommendations:**

That application A-2023-0307 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 drainage on adjacent properties should not be adversely affected;
  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 Semi Detached A Special Section 1212 (R2A-1212)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 0.08m (0.26 ft.) to a proposed 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. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density' in the Fletcher's Meadow Plan (Area 44). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 proposed exterior stairway leading to a below grade entrance in a required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.08m (0.26 ft.) to a proposed 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 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 an adequate amount of space is provided to allow for drainage, while still allowing access to the rear yard.

When completing a review to determine 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 disturbance onto adjacent properties by way of drainage or access. Despite the setback being reduced to 0.08m, access to the rear yard is maintained as the design of the below grade entrance will not impede travel to the rear yard due to the continuous path that is presented. Risers are proposed on either side of the entrance which eliminates the need to trespass on to the neighbours' 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

Variance 1 is requested to permit an exterior stairway leading to 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 that is less than what is required by the Zoning

By-law. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current proposal as an unobstructed path of travel to and from the front and rear yard is provided due to the construction of risers on either side of the entrance. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on the adjacent properties shall not be adversely affected. 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 as residents will not need to trespass on neighbouring lots. Staff have determined that sufficient space is provided to allow for drainage through the use of permeable landscaping features and therefore, is not anticipated to cause drainage issues on abutting properties or on the subject land. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

***BSuchomel***

Ben Suchomel, Student Planner

#### Site Visit Photos

