



Report Committee of Adjustment

Filing Date: November 8, 2023
Hearing Date: December 19, 2023

File: A-2023-0353

**Owner/
Applicant:** **ANKUR GUPTA**

Address: **11 Dragon Tree Crescent**

Ward: WARD 9

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0353 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 implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That 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.
-

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached C-Special Section 865 (R1C-865)', 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 located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line; and
2. To permit a proposed exterior side yard setback of 2.95m (9.68 ft.) to a stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 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 1 Residential' 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. As stated in Official Plan Section 3.2.8.2 (ii), a second unit must comply with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. 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 to be located between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the front of a flankage lot line. The intent of the by-law prohibiting below grade entrances between the wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the aesthetic of the overall streetscape. The applicant has provided a revised Site Plan (Appendix B), depicting the entrance being screened from the streetscape with the addition of shrubs/vegetation. The proposed below grade entrance will be constructed along the eastern wall of the detached dwelling, which is located southwest of Octillo Boulevard and Dragon Tree Crescent. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a reduced exterior side yard setback of 2.95m (9.68 ft) to a below grade entrance, whereas a minimum exterior side yard setback of 3.0m (9.84 ft) is required by the by-law. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is provided to allow access to the rear yard. A continuous path of travel to the rear yard will still be provided in this case. City Engineering Staff have also reviewed the proposed development and are

satisfied that it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, Variance 2 is 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 that will be located between the main wall of the dwelling and the flankage lot line on a corner lot. The addition of the below grade entrance should not interfere with the streetscape of the community as Staff have reviewed the revised Concept Plan which illustrates that both the stairway and entrance will be screened by new forms of planting (Appendix B). A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the sitting of the property and fence extension. Subject to the recommended condition of approval, the requested variance is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit a reduced exterior side yard setback of 2.95m (9.68 ft) to a below grade entrance. In this case, a continuous path of travel to the rear yard will still be provided. City Engineering Staff have also reviewed the proposed development and are satisfied that the proposal does not negatively impact drainage on the subject parcel or abutting property. Given these circumstances and subject to the conditions of approval, Variance 2 is considered desirable for the appropriate development of the land.

4. Minor in Nature

The location of the proposed below grade entrance is not considered to impact access to the property or visually detract from the streetscape. The application has been reviewed by Staff and they are of the opinion that neighbouring properties should not be negatively impacted by the proposal. Furthermore, no negative impacts to drainage are anticipated. Subject to the recommended conditions of approval, both Variance 1 and 2 are considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis".

Ellis Lewis, Assistant Development Planner

Appendix A:



Appendix B:

