



Report Committee of Adjustment

Filing Date: November 9, 2023
Hearing Date: December 19, 2023

File: A-2023-0354

**Owner/
Applicant:** DEEPAK ANAND & JTOYI ANAND

Address: 70 Leagate Street

Ward: WARD 6

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0354 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 existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
 3. That drainage on adjacent properties should not be adversely affected;
 4. 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;
 5. That the below grade entrance shall not be used to access an unregistered second unit; and
 6. 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 1163 (R1D-1163)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

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.

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 Residential' in the Fletchers Meadow Secondary Plan (Area 44). The requested variance is 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 variance is considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit a below grade entrance between the main wall of the dwelling and the front of a flankage lot line, whereas the by-law does not permit a below grade entrance between the main wall of a dwelling and the front of a flankage lot line. The intent of the by-law in 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 provided a Site Plan, which depicts that the entrance is screened from the streetscape as the entrance and stairway is located behind an existing fence. The below grade entrance will be constructed along the eastern wall of the detached dwelling, which is located at the northwest corner of Leagate Street and Travis Crescent. City Engineering Staff have also reviewed the development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit a below grade entrance between the main wall of the dwelling and the front of a flankage lot line. The addition of the below grade entrance should not interfere with the streetscape of the community as the stairway and entrance will be screened. 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. A condition has been included in the report, requesting 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. Subject to the recommended condition of approval, the requested variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The application has been reviewed by Staff and they are of the opinion that neighbouring properties should not be negatively impacted by the location of the below grade entrance as it will be screened by a fence that is already constructed. No negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

