



Report Committee of Adjustment

Filing Date: November 3, 2023
Hearing Date: December 19, 2023

File: A-2023-0345

**Owner/
Applicant:** PIARA SINGH & RAVINDER KAUR KARDLAY

Address: 481 Veterans Drive

Ward: WARD 6

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0345 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.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached F-Special Section 2227 (R1F-9.0-2227)', 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 exterior stairways constructed below established grade to be located between the main wall of a dwelling and the flankage lot line;; and
2. To permit an exterior side yard setback of 1.73m (5.68 ft.) to a proposed exterior 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/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. 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 seeks 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 exterior stairways constructed below established grade to be located between the main wall of a dwelling and the flankage lot line. The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the streetscape located at the intersection.

Variance 2 seeks to permit an exterior side yard setback of 1.73m (5.68 ft) to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft). The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The below grade entrance is proposed to be constructed along the western wall of the dwelling along Veterans Drive. The subject property is a corner lot located at the northeast intersection of Veterans Drive and O'Connor Crescent. The applicant provided a revised Site Plan (Appendix B) which illustrates that the entrance will be screened from the streetscape using forms of vegetation/shrubs. The proposed

below grade entrance is not considered to negatively impact the overall streetscape as it will be screened, limiting visual impact. City Engineering Staff have also reviewed the proposed 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, both Variance 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

Variances 1 and 2 are requested to permit an exterior stairway leading to a below grade entrance which will be located between the main wall of the dwelling and the front of a flankage lot line and encroach into the exterior side yard setback. The addition of the below grade entrance should not interfere with the streetscape of the community as the applicant has submitted a revised Site Plan (Appendix B) which depicts the stairway and entrance being screened by the addition of planters. It is recommended that a condition of approval be 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 siting of the property. Subject to the recommended condition of approval, both Variances 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit an exterior stairway to a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. Given that the below grade entrance will be screened by planters that will be adjacent to the side lot line, Staff are satisfied that the existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, both Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:



Site plan showing a property with overall dimensions of 97.44' by 32.03'. The plan includes a main building with a porch (28.00' x 48.17'), a garage (20.00' x 17.71'), and a main floor entrance. A proposed basement entrance is also indicated. The property is surrounded by a fence, and there are various setbacks and dimensions noted throughout the plan. A note in the bottom left corner states: "THERE WILL BE A DOOR SCREENED FROM THE INTERSECTION WITH VEGETATION /PLANTERS".