



Report Committee of Adjustment

Filing Date: May 1, 2023
Hearing Date: May 30, 2023

File: A-2023-0129

**Owner/
Applicant:** HARGEET NANDA AND JAGMOHAN NANDA

Address: 144 Treeline Boulevard

Ward: WARD 10

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-00129 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 drainage on adjacent properties should not be adversely affected;
 3. The below grade entrance shall not be used to access an unregistered second unit; and
 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 A- Special Section 1714 (R1A-1714)', 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 a required side yard whereas the by-law does not permit a below grade entrance to be located in a required side yard; and
2. To permit an interior side yard setback of 0.2 metres (0.66 ft.) to a proposed below grade entrance whereas the by-law requires a 1.2 metre (3.94 ft.) interior side yard setback.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Residential' in the Vales of Castlemore Secondary Plan (Area 42). 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 a below grade entrance in the required interior side yard whereas a below grade entrance is not permitted in the required interior side yard. Variance 2 is requested to allow an interior side yard setback of 0.2 metres to a below grade entrance whereas the by-law requires a side yard setback of 1.2 metres. 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. Access to the rear yard is maintained on the opposite side of the single detached dwelling. City Engineering Staff have reviewed the proposed development and are satisfied with the application as it does not negatively impact drainage on the subject parcel or abutting 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 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 setback 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 permeable landscaping surrounds the side yard. Conditions of approval are included in the report, citing that the below grade entrance shall not be used to access an unregistered second unit. Given the context of the site, Staff believe that the below grade entrance will be 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. The location of the proposed 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 therefore, should not negatively impact abutting properties. No negative impacts to drainage or access are anticipated and access to the rear yard is maintained. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

