



## Report Committee of Adjustment

**Filing Date:** November 28, 2023

**Hearing Date:** January 23, 2024

**File:** A-2023-0375

**Owner/  
Applicant:** Gaurav Gupta/  
Chetan Dalal

**Address:** 12 Navy Crescent

**Ward:** WARD 5

**Contact:** Ramsen Yousif, Development Planner

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### **Recommendations:**

That application A-2023-0375 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; and
  3. 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 (R1D) – Section 996', 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 exterior stairways constructed below established grade to be located between the main wall of a dwelling.

## **Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in Fletchers Meadow Secondary Plan (Area 44). 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 nature and extent of the proposed 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 property is zoned 'Residential Single Detached (R1D) – Section 996', according to By-law 270-2004, as amended.

The applicant is requesting approval of a variance relating to a proposed below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall and the flankage lot line. The intent of the by-law in not allowing below grade entrances between the main wall of the dwelling and a flankage lot line is to ensure the appearance of the below grade entrance does not negatively impact the aesthetic of the overall streetscape.

The single detached dwelling is located at the corner of Navy Crescent and Leagate Street. The proposed below grade entrance will be accessed by a staircase located along the northeast wall of the dwelling. The below grade entrance and associated stairway will result in an exterior side yard setback that complies with the by-law. The proposed below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation will be maintained. The applicant also has existing vegetation and a privacy fence which would screen the below grade entrance as depicted in the concept provided (see Appendix A & B). A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

### **3. Desirable for the Appropriate Development of the Land**

The applicant is requesting a variance to facilitate the construction of a proposed below grade entrance between a main wall of the dwelling and a flankage lot line. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the northeastern wall of the dwelling. Staff does 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 site context. The below grade entrance is currently screened via vegetation and an existing fence as shown on the site plan and site visit photos (see Appendix A). Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

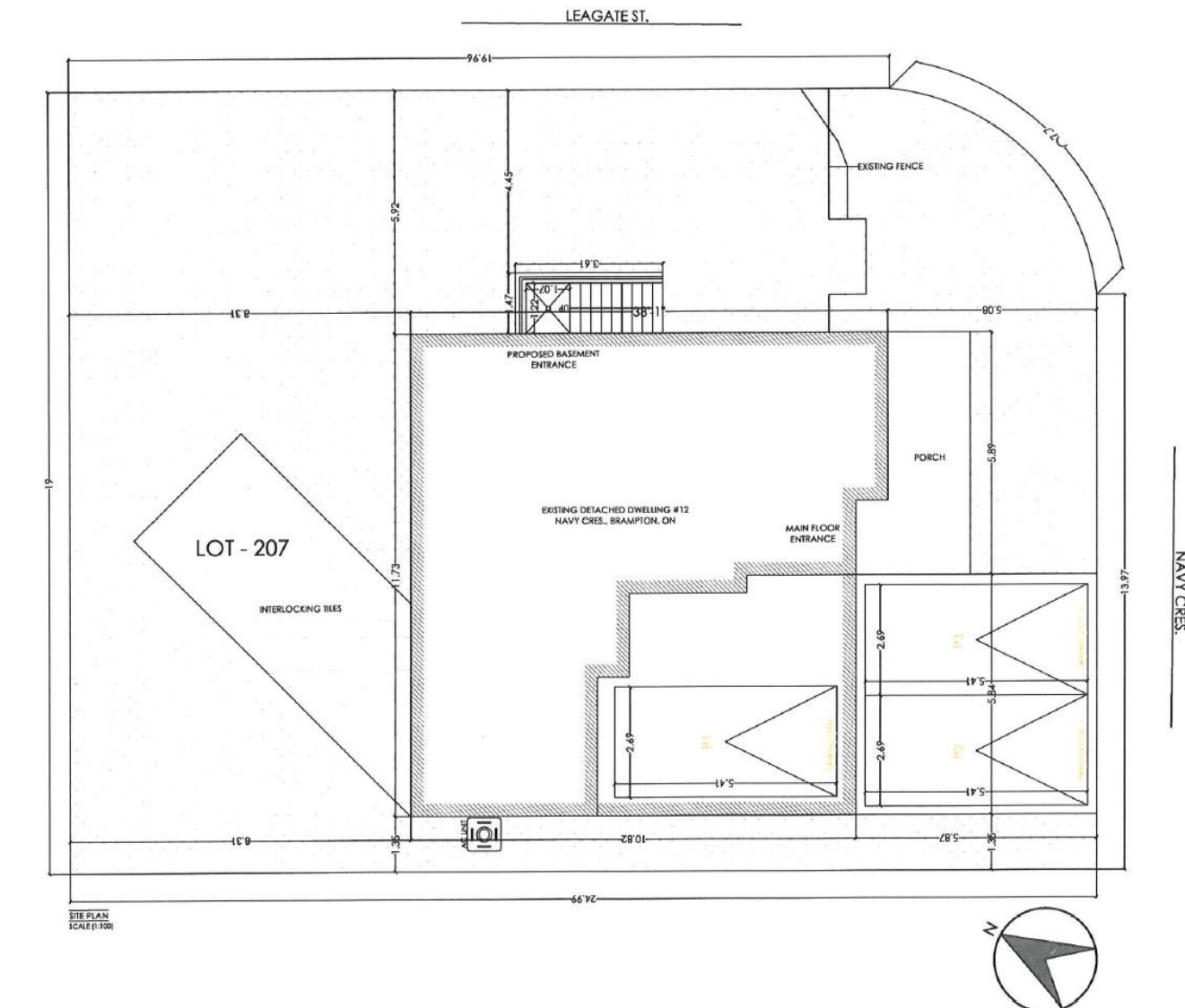
The requested variance is not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and location of the dwelling on a corner lot. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

*Ramsen Yousif*

Ramsen Yousif, Development Planner, MCIP, RPP

## Appendix A – Concept Plan





Appendix B – Site Visit Photos

