



Report Committee of Adjustment

Filing Date: December 20th, 2023

Hearing Date: January 23rd, 2023

File: A-2023-0419

Owner/

Applicant: SAGAR SAINI

Address: 29 CARMEL CRESCENT

Ward: WARD 10

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2023-0419 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 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:

As part of the Minor Variance application review, staff conducted a site visit and identified that the existing widened driveway and reduction to the permeable landscaping along the side lot line are not in compliance with the Zoning By-law. Staff note that a zoning order was issued by the City's By-law Enforcement for the driveway and the owner and applicant are advised that further enforcement action may be taken on this matter. Staff further note that there is an existing below grade entrance on the property which complies with the by-law. The requested variance seeks to facilitate the construction of a second below grade entrance for a second additional residential unit (ARU) on the

site. A second ARU requires a third parking space to be provided on site, for which the original conditions of a compliant driveway (prior to the widening) would accommodate.

Existing Zoning:

The property is zoned 'Residential Single Detached – Special Section 1770 (R1C-1770)', 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 subject property is designated 'Residential' in the Official Plan, and further designated 'Low Density Residential 2' in the Vales of Castlemore North Secondary Plan (Area 49). 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 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. The intent of the by-law in prohibiting below grade entrances between a main 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 overall streetscape. The proposed conditions look to ensure that the streetscape is not negatively impacted through the use of vegetation screening subject to the satisfactory to the Director of Development Services. The 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 proposed variance is 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 flankage lot line. The addition of the below grade entrance should not interfere with the streetscape of the community. It is recommended that a condition of approval be that the below grade entrance shall not be used to

access an unregistered second unit and that the applicant must provide adequate screening to the below grade entrance to the satisfaction of the Director of Development Services. This will ensure that the proposed addition does not detract from the overall streetscape or have negative impacts on the surrounding properties. Subject to the conditions of approval the variance is considered appropriate for the development of the land.

4. Minor in Nature

Given the recommendations of approval, staff are satisfied that the existing streetscape will not be negatively impacted by the proposed below grade entrance nor would the variance facilitate the use of the stairway/entrance for access to an unregistered unit. The variance, subject to the conditions of approval, is considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:

