



Report Committee of Adjustment

Filing Date: July 6, 2021
Hearing Date: August 3, 2021

File: A-2021-0155

**Owner/
Applicant:** HARPREET BHONS

Address: 19 Stanley Court

Ward: WARD 3

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0155 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 dwelling unit;
 3. The owner shall obtain a building permit within 60 days of the decision of approval; 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 Semi-Detached A (R2A)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a below grade entrance to be located between the main wall of a dwelling and the front lot line whereas the by-law does not permit a below grade entrance between a main wall of a dwelling and the front 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 Density Residential" within the Sandringham-Wellington Secondary Plan Area (SPA28). Within the context of the Official Plan and Secondary Plan policies, the requested variances have no significant impacts. The requested variance maintains the general intent of the Official Plan.

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

The requested variance is to permit a below grade entrance to be located between the main wall of a dwelling and the front lot line whereas the by-law does not permit a below grade entrance between a main wall of a dwelling and the front lot line. The intent of the by-law in prohibiting below grade entrances from being located in the front yards is to ensure that sufficient area is to protect the visual appeal of the streetscape.

The existing below grade entrance was constructed on the south side of the dwelling which is located on a residential corner lot. Due to the position of the dwelling on the corner lot, the below grade entrance is considered to be located between the main wall of the dwelling and the front lot line. In the case of the requested variance, the location of the below grade entrance is not considered to significantly diminish the visual appeal of the streetscape due to the distance separating the entrance from the street. Subject to the recommended conditions of approval, the variance maintains the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit an existing below grade entrance between the main wall of the dwelling and the front lot line on a corner lot. The existing below grade entrance does not comply with the Zoning By-law because its location is considered a main wall due to the property being a corner lot.

Existing vegetation provides partial screening of both the stairway and below grade entrance. The location of the existing stairway and below grade entrance do not negatively impact the function of the property or the surrounding neighbourhood. A condition is recommended that the below grade entrance not be used to access an unregistered second unit in order to ensure that any second unit served by the entrance is required to go through the appropriate registration process and be required to satisfy the requirements of that process. Subject to the recommended conditions of approval, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variance is required to permit an existing below grade entrance to be located between the main wall of a dwelling and the front lot line. Staff do not consider the variance to negatively impact the functionality of the subject property or adjacent properties. The existing below grade entrance is also partially screened by vegetation. The requested variance is considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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