



Report Committee of Adjustment

Filing Date: September 24, 2021

Hearing Date: October 26, 2021

File: A-2021-0226

**Owner/
Applicant:** RAMYA MURUGESAN AND ARUL KARTHICK ARUNAACHALAM CHAKKARAPANI

Address: 33 Travis Crescent

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0226 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 wooden fence shall not be extended to screen the proposed below grade entrance. It is recommended that the applicant implement planting to screen the below grade entrance in a manner satisfactory to the Director of Development Services;
 3. That a protective fence surrounding the street tree be implemented for the duration of the construction;
 4. That the below grade entrance shall not be used to access an unregistered second unit;
 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 Semi-Detached D (R2D-16.8-1391)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below grade entrances between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.65m (8.69 ft.) to a proposed 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 Fletchers Meadows Secondary Plan (Area 44). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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

The first variance is requested to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below grade entrances between the main wall of the 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 below grade entrance is proposed to be constructed along the main wall of the dwelling that is situated on a corner lot. The proposed configuration of the below grade entrance contemplates two riser steps to access the landing. A condition of approval is recommended that the wooden fence shall not be extended to screen the proposed below grade entrance. It is recommended that the applicant implement planting to screen the below grade entrance in a manner satisfactory to the Director of Development Services. Subject to the recommended condition of approval, the variance is not anticipated to negatively impact the overall streetscape and is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit an exterior side yard setback of 2.65m (8.69 ft.) to a proposed 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.

A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Public Notice. Despite the reduced exterior side yard setback, the addition of the below grade entrance is not anticipated to negatively impact drainage and access to the rear

yard as there is a setback of at least 2.65m (8.69 ft.) between the proposed below grade and the property line. Subject to the recommended 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 requested variances are intended to facilitate the construction of a proposed below grade entrance located between the main wall of a dwelling and the flankage lot line. A further variance is requested to slightly reduce the minimum exterior side yard setback resulting from the proposed entrance. The proposal is not considered to negatively impact access to the rear yard as sufficient space to access to the rear yard is maintained. A condition of approval is recommended that the above grade door in the interior side yard not be used to access an unregistered second unit to ensure any second unit constructed within the dwelling complies with the Ontario Building Code. There is a street tree in the vicinity of the proposed works. In order to protect the tree, a condition is recommended that a protective fence surrounding the street tree be implemented for the duration of the construction. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variances are not anticipated to negatively impact the subject property or adjacent properties. The proposed below grade entrance will not negatively impact access to the rear yard as sufficient space is maintained for access on the same side of the dwelling. The requested variances, subject to the recommended conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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