



## Report Committee of Adjustment

**Filing Date:** September 27, 2021  
**Hearing Date:** October 26, 2021

**File:** A-2021-0229

**Owner/  
Applicant:** VIVEK MEHTA AND ROMA MEHTA

**Address:** 15 Evanwood Crescent

**Ward:** WARD 5

**Contact:** François Hémon-Morneau, Planner I

---

### **Recommendations:**

That application A-2021-0229 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 below grade entrance shall not be used to access an unregistered second unit;
  3. That drainage on adjacent properties shall not be adversely affected;
  4. That there shall be no additional widening of the driveway between the sidewalk and street curb; and
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Street Townhouse (R3B-1315)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed above grade door located on the side wall of the dwelling where the width of the yard extending from the rear wall of the dwelling is 0.56m (1.84 ft.) and where there is no yard having a continuous minimum width of 1.2m (3.94 ft.) extending from the front wall on either side of the dwelling to the proposed side door whereas the by-law requires a continuous minimum width of 1.2m (3.94 ft.) extending from the front wall along either side of the dwelling to an above grade door in the side wall;
2. To permit an existing driveway width of 5.35m (17.55 ft.) whereas the by-law permits a maximum driveway width of 4.9m (16.08 ft.).

#### **Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan and 'Medium Density' in the Credit Valley Secondary Plan (Area 45). The nature and extent of the proposed variances, subject to the recommended conditions of approval, 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 above grade door located on the side wall of the dwelling where the width of the yard extending from the rear wall of the dwelling is 0.56m (1.84 ft.) and where there is no yard having a continuous minimum width of 1.2m (3.94 ft.) extending from the front wall on either side of the dwelling to the proposed side door whereas the by-law requires a continuous minimum width of 1.2m (3.94 ft.) extending from the front wall along either side of the dwelling to an above grade door in the side wall. The intent of the by-law in requiring a continuous minimum yard width is to ensure that sufficient space is maintained for access to the rear yard.

The applicant is requesting to construct an above grade entrance located along the side wall of the dwelling. The proposed door would be accessed through the passage connecting the garage to the backyard. According to the entrance section plan, the door is planned to be situated 0.13m (0.43 ft.) above grade which does not require a riser step to access. Due to the proposed configuration and design of the door, and existing site conditions, the variance is not anticipated to negatively impact access to the rear yard. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit an existing driveway width of 5.35m (17.55 ft.) whereas the by-law permits a maximum driveway width of 4.9m (16.08 ft.). The intent of the By-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area.

The existing driveway width is 0.45m (1.48 ft.) wider than what the by-law permits and has been extended in front of the main entrance of the dwelling. The portion of the existing driveway that was widened consist of a 2.27m (8.86 ft.) concrete extension. While the driveway does not maintain the full front yard landscaping requirements, the existing conditions of the driveway is not out of character

for the area. In this case, the materials and design maintain the intent of the Zoning By-law by not visually dominating the front yard of the property and maintaining a 0.75m (2.46 ft.) permeable landscaping along the side lot line. Subject to the recommended conditions of approval, 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 applicant is requesting variances to allow an existing driveway width and a proposed above grade entrance. The width of the driveway is not considered to negatively impact drainage given that permeable landscaping is maintained along the side lot line. The proposed side entrance will not reduce existing setbacks and will be constructed flush with the surface of the side wall. Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit, that drainage on adjacent properties shall not be adversely affected, and that there shall be no additional widening of the driveway between the sidewalk and street curb. Subject to the recommended conditions of approval, the variances are deemed desirable for the appropriate development of the land.

4. Minor in Nature

The variances are to permit an existing driveway width and a proposed above grade entrance indicated as being for personal use. The variances are not expected to generate negative impacts on-site or off-site. Subject to the recommended conditions of approval, the variances is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I