



## Report Committee of Adjustment

**Filing Date:** June 13, 2022

**Hearing Date:** July 12, 2022

**File:** A-2022-0192

**Owner/  
Applicant:** KARAMJEET SINGH AND RAMANDEEP KAUR AUJLA

**Address:** 56 Barr Crescent

**Ward:** Ward 2

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

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### **Recommendations:**

That application A-2022-0192 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 the owners maintain the existing fence to screen the below grade entrance;
  4. That the existing gazebo be relocated in order to maintain setback requirements, that the existing shed be removed, and that the existing concrete on the north side of the driveway be removed and restored with permeable landscaping in a manner consistent with the sketch attached to the notice of decision;
  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 Single Detached B2 (R1B(2)-280)', 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 the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard depth of 2.60m (8.53 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard depth 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 Density Residential' in the Snelgrove – Heart Lake Secondary Plan (Area 1). 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 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 second variance is requested to permit an exterior side yard depth of 2.60m (8.53 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard depth of 3.0m (9.84 ft.). The intent of the by-law in requiring a minimum side yard depth setback and restricting below grade entrances in that location is to ensure that sufficient space is maintained for drainage and access to the rear yard and that a structure does not negatively impact the streetscape.

Despite the 0.40m (1.31 ft.) reduction to the exterior yard setback, the addition of the below grade entrance in the identified location is not anticipated to negatively impact drainage and access to the rear yard as there is a remaining setback of at least 2.60m (8.53 ft.) between the proposed below grade and the property line. Furthermore, there is an existing fence enclosing the backyard which would provide screening of the proposed below grade entrance. A condition of approval is recommended that the owners maintain the existing fence to screen the below grade entrance. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent and purpose of the Zoning By-law.

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

Two variances are requested to facilitate the construction of a below grade entrance and associated exterior side yard setback reduction. The proposed below grade entrance will be screened by an existing fence in the rear yard of the property. As such, there are no anticipated negative impacts to the streetscape. A condition is recommended that the below-grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code. Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate development of the land.

Furthermore, the site plan submitted for the purpose of the Minor Variance application indicates existing structures and site conditions to be removed and restored. In order to ensure these changes are made, a condition of approval is recommended that the existing gazebo be relocated in order to maintain setback requirements, the existing shed be removed, and that the existing concrete on the north side of the driveway be removed and restored with permeable landscaping in a manner consistent with the sketch attached to the notice of decision.

#### 4. Minor in Nature

The variances associated with the construction of a below grade entrance are not anticipated to negatively impact the subject property or adjacent properties. Subject to the recommended conditions, the dwelling will continue to align with the character of the surrounding neighbourhood and the proposed below-grade entrance will not be visible from the public realm. The variance is considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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