



Report Committee of Adjustment

Filing Date: May 13, 2022
Hearing Date: August 2, 2022

File: A-2022-0167

**Owner/
Applicant:** SAMANDER PHOGAT

Address: 2 Bevington Road

Ward: WARD 6

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0167 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 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 the below grade entrance shall not be used to access an unregistered second unit; 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:

The Minor Variance application is seeking approval to construct a below grade entrance with stairs located on what is considered the main wall of the detached dwelling on a corner lot. The application was previously deferred at the June 21, 2022 Committee of Adjustment hearing following staff's recommendation. Staff were considering the use of agreement as permitted by Section 45 (9.1 & 9.2) of the *Planning Act* to ensure the long term compliance with the Committee's conditions. The use of an agreement is no longer being contemplated following further discussions with City Legal Services staff.

The owner and applicant has been advised by staff to bring the minor variance application to the present Committee of Adjustment hearing for the Committee's consideration.

Existing Zoning:

The property is zoned 'Residential Semi-Detached D (R1D-2014)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. 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;

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 Vales of Castlemore Secondary Plan (Area 42). The nature and extent of the proposed 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 applicant is requesting approval of a variance relating to a proposed below grade entrance. The 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 intent of the by-law in not allowing below grade entrances between the main wall of the dwelling and a flankage lot line is to ensure appropriate separation between the building and lot lines and that there is adequate room available to allow for drainage and access to the rear yard.

The single detached dwelling is located at the corner of Salvation Road and Bevington Road. The proposed below grade entrance will be accessed by a staircase located along the northeastern wall of the dwelling. The below grade entrance and associated stairway will result in an exterior side yard setback that complies with the by-law. The proposed of the below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation will be maintained.

The applicant is also proposing to implement the planting of vegetation in a manner which would screen the below grade entrance (Appendix A). A condition of approval is recommended 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. An additional condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. 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

The applicant is requesting a variance to facilitate the construction of a proposed below grade entrance between a main wall of the dwelling and a flankage lot line. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the northeastern wall of the dwelling. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. The below grade entrance will be screened via vegetation as shown on a revised site plan (Appendix A). Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and location of the dwelling on a corner lot. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner III

Appendix A – Revised Site Plan

