



Report Committee of Adjustment

Filing Date: May 24, 2022
Hearing Date: August 2, 2022

File: A-2022-0173

**Owner/
Applicant:** Rahul Rana, Rajender Singh Rana, and Neeru Rana

Address: 1 Abbotsbury Drive

Ward: Ward 5

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0173 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 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;
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

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 Single Detached D (R1D-1303)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a 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 a dwelling 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 Density Residential' in the Credit Valley Secondary Plan (Area 45). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is 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 variance is requested to permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrance between the main wall of a dwelling and the flankage lot line. The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that sufficient space is maintained for drainage and access to the rear yard and that the below grade entrance does not negatively impact the overall streetscape.

The addition of a below grade entrance between the main wall of a dwelling and a flankage lot line of the property is not anticipated to negatively impact drainage and access to the rear yard as there will be a remaining setback which maintain the requirements of the by-law. Furthermore, there is an existing fence enclosing the backyard but would not screen the below grade entrance.

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 variance is requested to facilitate the construction of a below grade along the northwestern wall of the dwelling. The subject property is a corner lot with a detached dwelling. The below grade entrance will be screened via vegetation as shown on a revised site plan (Appendix A). 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.

4. Minor in Nature

The variance is 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 be screened with vegetation. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner III

Appendix A – Revised Site Plan

