



## Report Committee of Adjustment

**Filing Date:** August 10, 2022  
**Hearing Date:** September 13, 2022

**File:** A-2022-0259

**Owner/  
Applicant:** Mukesh Malik & Anju Ratan Malik

**Address:** 616 Queen Mary Drive

**Ward:** WARD 6

**Contact:** Simran Sandhu, Assistant Development Planner

---

### **Recommendations:**

That application A-2022-0259 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 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 Single Detached F (R1F-9-2452)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

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.

### **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 Mount Pleasant Secondary Plan (Area 51). The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains 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 is not allowing below grade entrances between the main wall of the dwelling and the flankage lot line.

The proposed stairway leading to a below grade entrance encroaching into the required interior side yard is not considered to have significant impact on drainage and sufficient space is maintained for access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

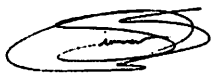
3. Desirable for the Appropriate Development of the Land

The requested variance is intended to permit a proposed stairway and below grade entrance between the main wall of the dwelling and the flankage lot line. A condition of approval is recommended the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land as they do not generate negative impacts on-site or off-site.

4. Minor in Nature

The requested variance for the construction of a below grade entrance between the main wall of the dwelling and the flankage lot line is not considered to have significant impact on drainage or limiting access to the property. The variance is deemed minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a circular scribble.

Simran Sandhu, Assistant Development Planner