



## Report Committee of Adjustment

**Filing Date:** August 4, 2022  
**Hearing Date:** September 13, 2022  
**File:** A-2022-0247  
**Owner/  
Applicant:** Tariq Farooq & Gulzar Begum  
**Address:** 96 Sal Circle  
**Ward:** WARD 10  
**Contact:** Simran Sandhu, Assistant Development Planner

---

### **Recommendations:**

That application A-2022-0247 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 owner implement planning to adequately screen the below grade entrance and minimize visual impact to 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;
  4. 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 C (R1C-554)', 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;
2. To permit a driveway width of 8.15m (26.74 ft.) whereas the by-law permits a maximum driveway width of 6.71 m (22 ft.);
3. To permit a 0.25m (0.82 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side 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 Springdale Secondary Plan (Area 2). 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 in not allowing below grade entrances between the main wall of the dwelling and the flankage lot line to ensure appropriate separation between the building and lot lines and that there is adequate room available to allow for drainage.

The proposed below grade entrance will be accessed by a staircase located along the northern wall of the dwelling. The proposed below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation will be maintained. A condition of approval is recommended that the owner implement planting to adequately screen the below grade entrance to minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services. An additional conditional 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, variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit a driveway width of 8.15m (26.74 ft.) whereas the by-law permits a maximum driveway width of 6.71 m (22 ft.). The third variance is requested to permit a 0.25m (0.82 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line. The intent of the by-law in regulating maximum permitted driveway width and requiring a minimum permeable landscaped strip along the interior lot line is to ensure that the driveway does not dominate the front yard landscaped area, that sufficient space is provided for drainage and that drainage adjacent properties are not impacted.

The existing driveway width is 1.44m (4.72 ft.) wider than what the by-law permits. Furthermore, the applicant is requesting a 0.35m (1.15 ft.) reduction to the permeable landscaping between the driveway and the side lot line from what the by-law permits. The portions of the existing driveway that were widened consist of concrete and are not considered to significantly impact drainage or contribute to a substantial loss of landscaped open space on the property. 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. Subject to the recommended conditions of approval, variances 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

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

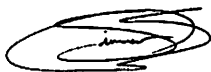
The applicant is requesting a variance to facilitate the construction of a proposed below grade entrance between the main wall of the dwelling and the flankage lot line. The configuration of the entrance contemplated a below grade entrance accessed by a staircase along the northern wall of the dwelling. 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. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

Variance 2 and 3 are requested to permit an existing driveway width and reduced permeable landscaping between the driveway and the side lot line. The existing conditions of the driveway is not out of character for the neighbourhood and does not pose negative impacts. The applicant is advised that drainage on adjacent properties shall not be adversely affected from the proposed development. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1 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. Subject to the recommended conditions of approval, the variance is deemed minor in nature. Variances 2 and 3 for the increased driveway width and reduced permeable landscaping are not considered to present negative impacts related to the existing conditions of the driveway and hard landscaping. The requested variance for the existing accessory structures in the rear yard is not anticipated to impose any negative impacts on the property or any negative impacts on the property or any of the surrounding properties. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner