



Report Committee of Adjustment

Filing Date: August 16, 2022
Hearing Date: September 13, 2022
File: A-2022-0266
**Owner/
Applicant:** Danial Salem Almani & Talal Saleem Almani
Address: 92 Abbotsbury Drive
Ward: WARD 4
Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0266 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.
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Background:

Existing Zoning:

The property is zoned 'Residential Semi-detached A (R2A-1318)', 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 an exterior side yard setback of 1.33 m (4.36 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0 m (9.84 ft.);
3. To permit an existing accessory structure (shed) to be located in the exterior side yard where as the by-law does not permit an accessory structure to be located in the exterior side yard;
4. To permit a rear yard setback of 0.21 m (0.69) and an exterior side yard setback of 0.3 m (0.98) to the existing accessory structure (shed) whereas the by-law requires an accessory structure to be located 0.6 m (1.97) from a 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 2 Residential' in the Credit Valley Secondary Plan (Area 45). 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 second variance is requested to permit an exterior side yard setback of 1.33 m (4.36 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0 m (9.84 ft.) The intent of the by-law in not allowing below grade entrances between the main wall of the dwelling and the flankage lot line, and requiring a minimum amount exterior side yard setback is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

The existing 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 of 0.8m (2.62 ft.) 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. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

The third variance is requested to permit an existing accessory structure (shed) to be located in the exterior side yard where as the by-law does not permit an accessory structure to be located in the exterior side yard. The fourth variance is requested to permit a rear yard setback of 0.21 m (0.69) and an exterior side yard setback of 0.3 m (0.98) to the existing accessory structure (shed) whereas the by-law requires an accessory structure to be located 0.6 m (1.97) from a lot line. The intent of the by-law in regulating minimum setbacks is to ensure that there is adequate room for drainage and maintenance of structures. In this case, the shed generally requires minimal maintenance and drainage in the rear yard does not appear to have been affected by the shed. Based on the roof design of the existing shed, the runoff of water is directed onto the subject property and should not impact the drainage on adjacent properties. Variance 3 and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit an existing stairway and below grade entrance, along with the existing accessory structure which is situated in the required interior side yard and rear yard. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected and that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended condition of approval, the variances are 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 are not considered to have significant impact on drainage or limiting access to the property. Variances 1 and 2 are deemed minor in nature. The requested variances 3 and 4 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,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a hand-drawn oval border.

Simran Sandhu, Assistant Development Planner