



Report Committee of Adjustment

Filing Date: August 04, 2022
Hearing Date: October 04, 2022

File: A-2022-0251

**Owner/
Applicant:** MEET PATEL & KRUPA PATEL

Address: 84 Allegro Drive

Ward: WARD 4

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0251 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 E (R1E-2012)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard;

2. To permit an interior side yard setback of 0.15m (0.49 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit a deck encroachment of 4.23m (13.88 ft.) into the required rear yard setback resulting in a rear yard setback of 2.77m (9.09 ft.) whereas the by-law permits a maximum deck encroachment of 1.8m (5.91 ft.) resulting in a rear yard setback of 5.2m (17.06 ft.).

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 nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard. Variance 2 is requested to permit an interior side yard setback of 0.15m (0.49 ft.) to the exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in prohibiting below grade entrances in the required interior side yard, and requiring a minimum amount of interior side yard setback is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

The applicant is proposing to construct a below grade entrance encroaching into the required interior side yard. The entrance is not expected to impact drainage and the configuration of the entrance landing with steps on either side will maintain 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.

Variance 3 is requested to permit a deck encroachment of 4.23m (13.88 ft.) into the required rear yard setback resulting in a rear yard setback of 2.77m (9.09 ft.) whereas the by-law permits a maximum deck encroachment of 1.8m (5.91 ft.) resulting in a rear yard setback of 5.2m (17.06 ft.). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the rear yard amenity area for the property and to ensure sufficient space is provided for drainage. Additionally, this rear yard setback requirement for a deck is put into place to minimize overlook on adjacent properties.

The existing elevated deck is 22.88 sq. m (246.28 sq. ft.) in size at the rear of the dwelling. The ground floor of the semi-detached dwelling is located above ground and there are variations in grade between the front and rear of the lot. The existing deck will be accessed via an existing door located on the rear wall. According to the site plan drawings, the deck will not be reducing the amenity area in the rear yard. As such, the existing deck is not anticipated to negatively impact the rear yard amenity area for

the property. The resulting rear yard setback of 2.77m (9.09 ft.) represents a minor decrease from what the by-law permits and is not considered to significantly further facilitate overlook onto adjacent properties. Subject to the recommended conditions of approval, the requested 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 variances are intended to permit a proposed below grade entrance and landing to be situated in the required interior side yard. A condition of approval is recommended that 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 lands as they do not generate negative impacts on-site or off-site.

The third variance is associated with an existing deck and is required to facilitate the use of the structure. The reduced rear yard setback is not considered to negatively impact the rear yard amenity area for the property nor will it unreasonably increase the ability to overlook into adjacent properties' backyards. Subject to the conditions of approval, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance required for the exterior stairway leading to the below grade entrance is not considered to have a significant impact on drainage or limit access to the rear of the property. The variance is deemed minor in nature.

The third requested variance to permit a reduced rear yard setback is not anticipated to negatively impact the amenity area for the property. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the setback is consistent with what is presented in this application. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner