



Report Committee of Adjustment

Filing Date: September 6, 2022

Hearing Date: October 4, 2022

File: A-2022-0286

**Owner/
Applicant:**

DHALIWAL IMANJIT SINGH & HARJINDER SINGH

Address: 35 MINNA TRAIL

Ward: WARD 6

Contact: Mohammed Jalabi, Assistant Development Planner

Recommendations:

That application A-2022-0286 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 Single-Detached A (R1F-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 'Medium Density' 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 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, is to ensure sufficient space is provided to allow for drainage and access to the rear yard is not restricted.

The proposed stairway leading to a below grade entrance is not considered to have significant impact on drainage. Sufficient space is also provided to provide adequate access to the rear yard, which includes 6.33m (20.76 ft.) of space from the lot line. Furthermore, the below grade entrance will be screened by a proposed wood fence enclosing the rear yard. Variances 1 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 on what is considered a main wall of the dwelling on a corner lot. The proposal to construct a below grade entrance is not anticipated to cause any impacts related to drainage, nor any significant impacts related to the ability to access the rear yard. Additionally, the location of the below grade entrance is adequately fenced and screened to the satisfaction of the Planning department. The variance is considered desirable for the appropriate development of the land as it does not generate negative impacts on-site or off-site.

4. Minor in Nature

The requested variance to facilitate for the construction of a below grade entrance is not considered to have significant impact on drainage or limiting access to the property. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner