



Report Committee of Adjustment

Filing Date: October 27, 2022
Hearing Date: December 06, 2022

File: A-2022-0352

**Owner/
Applicant:** ADIL KHAN & ANEELA KHAN

Address: 55 Velvet Grass Lane

Ward: WARD 9

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0352 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The subject property is part of a quattroplex and the applicant was proposing to use the primary entrance as the secondary entrance for the second unit. In reviewing the application, Staff noted the proposed configuration would not be supportive as it would not meet the Ontario Building Code Requirements for a tenant requiring care and control over their egress path. The applicant revised the sketch (see Appendix A) to propose a below grade entrance accessed by a staircase to the secondary entrance. It is noted that the proposed separate entrance maintains all Zoning By-law requirements and does not require additional variance approvals.

Existing Zoning:

The property is zoned 'Residential Extended Zone (R2B-738)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a second unit in a quattroplex whereas the by-law does not permit a second unit in a quattroplex;
2. To permit a driveway width of 7.70m (25.26 ft.) whereas the by-law permits a maximum driveway width of 5.5m (18 ft.).

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 Residential' in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are considered to 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 a second unit in a quattroplex whereas the by-law does not permit a second unit in a quattroplex. The Zoning By-law does not identify prohibiting a second unit within a quattroplex, but the general intent is to limit the number of dwellings contained within a particular housing typology to maintain the intended residential density. The Zoning By-law permits a second unit in single detached, semi-detached or townhouse dwellings. The parent R2B Zoning By-law designation allows a single detached and semi-detached dwelling subject to the requirements in a R2A(1) zone. The Special Section 738 for this property designates it to be used for a quattroplex dwelling. The quattroplex is part of neighbourhood consisting mainly of single detached and semi-detached dwellings. The variance is required to allow for a second unit within the basement of the dwelling. The applicant is proposing a below grade entrance with stairs as the main entrance to the second unit dwelling. The proposed below grade entrance does not require any further variances as sufficient space and 1.56 m (5.11 ft.) is provided to allow access to the rear yard. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a driveway width of 7.70m (25.26 ft.) whereas the by-law permits a maximum driveway width of 5.5m (18 ft.). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling. The existing driveway width is 2.2 m (7.26 ft.) wider than what the by-law permits. The portions of the existing driveway that were widened consist of interlocking and is 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 and sufficient open space remains on the property. Subject to the recommended conditions of approval, variances 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

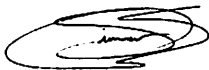
The applicant is requesting a variance to facilitate the use of a second unit dwelling within the basement. The subject property is located within a quattroplex which is a dwelling typology in which the Zoning By-law does not permit a second unit. The applicant is proposing a below grade entrance and accessed by a staircase to provide access to the second unit. Staff do not anticipate any negative impacts on the surrounding neighbourhood if a second unit is created in the dwelling or from the current situation on the quattroplex. The variance is considered desirable for the appropriate development of the land.

Variance 2 is requested to facilitate the existing widened driveway. 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 variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The construction of a second unit within the quattroplex is not considered to have a significant impact on the current use of the property or the surrounding neighbourhood. The location of the proposed below grade entrance to access the second unit is appropriate given the site context and location of the dwelling. Variance 2 for the increased driveway width is not considered to present negative impacts related to the existing conditions of the driveway and the associated hardscaping. 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

Appendix A:

