



## Report Committee of Adjustment

**Filing Date:** November 8, 2022  
**Hearing Date:** December 6, 2022

**File:** A-2022-0367

**Owner/  
Applicant:** HUYNH TAN DAI

**Address:** 9 Brownbush Way

**Ward:** WARD 9

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2022-0367 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 and in accordance with the revised site plan drawing (Appendix A);
  2. That the proposed extension to the existing fence used to screen the below grade entrance in the exterior side yard shall be maintained, and shall not be removed or lowered, but may be repaired or replaced when necessary; and
  3. That Variance 3 for a 0.0m wide permeable landscape strip be refused;
  4. 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 – Special Section 1401 (R1E-9-1404)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit an addition (enclosed below grade entrance) in the exterior side yard with a side yard setback of 1.73 metres (5.67 feet) whereas the by-law permits an exterior side yard setback of 3 metres (9.84 feet).
2. To permit 0.0m of permeable landscaping between the side lot line and the driveway whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the side lot line and the driveway.
  - The applicant has provided staff with a revised site plan drawing (Appendix A) depicting an reinstated 0.6m (1.97 ft.) wide landscaping strip between the side lot line and the driveway which complies with the minimum 0.6m (1.97 ft.) wide permeable landscape strip between the side lot line and the driveway within the Zoning By-law, therefore the variance is no longer required and not included in the analysis of this report.

#### **Current Situation:**

##### **1. Maintains the General Intent and Purpose of the Official Plan**

The property is designated as 'Residential' in the Official Plan and 'Low Density Residential 1' 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**

To permit an addition (enclosed below grade entrance) in the exterior side yard with a side yard setback of 1.73 metres (5.67 feet) whereas the by-law permits an exterior side yard setback of 3 metres (9.84 feet). The intent of the by-law in requiring a minimum exterior side yard setback to an enclosure is to ensure that there are no negative massing or visual impacts on the streetscape.

The below grade entrance and enclosure is proposed to be behind a proposed extension to the existing fence which screens the entrance from the streetscape, minimizing its impacts on the street. In order to limit the visual impact generated from the below grade entrance addition, a condition of approval is recommended that the proposed extension to the existing fence used to screen the below grade entrance shall be maintained, and shall not be removed or lowered, but may be repaired or replaced when necessary. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent and purpose of the Zoning by-law.

Variance 2 is no longer required as the applicant has provided staff with a revised site plan drawing (Appendix A) depicting a reinstated 0.6m (1.97 ft.) wide landscaping strip between the side lot line and the driveway which complies with the minimum permitted within the by-law.

There is concrete paving from the asphalt portion of the driveway to the side lot line. As depicted in the revised site plan (Appendix A) the applicant has agreed to reinstate the landscape strip to provide a 0.6m (1.97 ft.) to ensure that sufficient space is provided for drainage and that drainage on adjacent properties are not impacted. Subject to the recommended conditions of approval, the variances 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 covered below grade entrance in the exterior side yard with a reduced setback. The configuration of the entrance contemplated a below grade entrance accessed by a staircase along the southern wall of the dwelling located on a corner lot. Staff do not anticipate any negative impacts on the streetscape as it will be located behind a proposed extension to the existing fence. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is no longer required as the applicant has provided staff with a revised site plan drawing (Appendix A) depicting a reinstated 0.6m (1.97 ft.) wide landscaping strip between the side lot line and the driveway which complies with the minimum permitted within the by-law.

### 4. Minor in Nature

Subject to the recommended conditions of approval, the requested variance 1 is not considered to have significant impact to drainage or limit access to the property. The application seeks to facilitate the enclosure of the below grade entrance which is considered a building addition. The variance is deemed minor in nature.

Variance 2 is no longer required as the applicant has provided staff with a revised site plan drawing (Appendix A) depicting a reinstated 0.6m (1.97 ft.) wide landscaping strip between the side lot line and the driveway which complies with the minimum permitted within the by-law.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

## Appendix A – Revised Site Plan

