



Report Committee of Adjustment

Filing Date: November 15, 2022

Hearing Date: January 3, 2023

File: A-2022-0376

Owner/

Applicant: JITESH SHARAWAT AND ANJALI SHARMA

Address: 9 LEAGROVE STREET

Ward: WARD 6

Contact: Mohammed Jalabi- Assistant Development Planner

Recommendations:

That application A-2022-0376 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 the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official.
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That the applicant shall ensure drainage of run-off water from the accessory structure into the subject property.
 5. That the applicant maintain the as built fencing to provide adequate screening to the below grade entrance.
 6. 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 (R1C)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit existing accessory structures (shed and play structure) to be located in the exterior side yard whereas the by-law does not permit accessory structures in an exterior side yard;
2. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
3. To permit 0.42m (1.38 ft.) of permeable landscaping adjacent to the side property line whereas the bylaw requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the driveway and the side property 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/Medium Density Residential' in the Bram West Secondary Plan (Area 40-c). The nature and extent of the proposed 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 requesting to permit existing accessory structures (shed and play structure) to be located in the exterior side yard whereas the by-law does not permit accessory structures in an exterior side yard.

The intent of the by-law in prohibiting an accessory structure in the exterior side yard 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 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 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.

The proposed stairway leading to a below grade entrance encroaching into the required exterior side yard is not considered to have significant impact on drainage or access. Furthermore, the proposed developments are not out of character from the neighborhood. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Variances 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit 0.42m (1.38 ft.) of permeable landscaping adjacent to the side property line whereas the bylaw requires a minimum 0.6m (1.97 ft.) The intent of the by-law to regulate minimum permeable landscaping is to ensure adequate drainage and to maintain the overall aesthetic of the side property. A reduced permeable landscaping strip of 0.18m (0.59 ft.) is sufficient to maintain adequate drainage and does not detract from the properties aesthetic. Variances 3 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit an existing as-built accessory structure having reduced setbacks to the nearest property lines. The accessory structure is not considered to impact drainage onto adjacent properties, upon staff inspection it was noted that sufficient Permeable landscaping is maintained between the accessory structure and property line to regulate adequate drainage onto the subject property The variance is not anticipated to generate negative impacts on-site or off-site and can be desirable for the appropriate development of the land.

Variance 2 is requested to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line. The proposed stairway leading to a below grade entrance encroaching into the required exterior side yard is not considered to have significant impact on drainage or access. Furthermore, the proposed developments are not out of character from the neighborhood. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. The variance is not anticipated to generate negative impacts on-site or off-site and can be desirable for the appropriate development of the land.

Variance 3 is requesting to permit a reduced permeable landscape adjacent to the side property line. The reduced permeable landscaping is not considered to impact drainage onto adjacent properties. The variance is not anticipated to generate negative impacts on-site or off-site and can be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances pertaining to the proposed below grade entrance and reduced permeable landscaping are not considered to have significant impact on drainage or limit access to the rear of the property.

Variance 3 requesting to permit an existing as-built accessory structure is not considered to dominate the rear yard or impact drainage.. Subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Assistant Development Planner