



## Report Committee of Adjustment

**Filing Date:** January 9, 2023  
**Hearing Date:** February 14, 2023

**File:** A-2023-0006

**Owner/  
Applicant:** VIKRAMJIT SINGH

**Address:** 23 Penbridge Circle

**Ward:** WARD 6

**Contact:** Rajvi Patel, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0006 is supportable in part, 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 Variance 2 to permit 0.0m of permeable landscaping along the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the driveway and the side property line be refused. Staff recommend that a 0.3m (0.98 ft.) permeable landscaping strip along the property line be approved;
  3. That the proposed fence used to screen the below grade entrance shall be constructed as provided, and shall not be removed or lowered, but may be repaired or replaced when necessary;
  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 D (R1D-1073)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a below grade entrance to be located 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;
2. To permit 0.0m of permeable landscaping abutting the side lot line, whereas the by-law requires a permeable landscape strip with a minimum width of 0.6m (1.97 ft.) abutting the side lot line;
3. To permit an existing driveway width of 6.96m (22.83 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

**Current Situation:**

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

The subject lands are designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44). The Residential designation supports the current use and the requested variances are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Residential Single Detached D,' Special Section 1073 (R1D-1073), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of the dwelling and the flankage lot line. The intent of the by-law in prohibiting below grade entrances between the main wall of a dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape.

The proposed below grade entrance will be constructed along the western wall of the detached dwelling located on a corner lot. The below grade entrance will be accessed by four steps leading to a below grade landing and a door. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will be screened from the streetscape by a proposed fence and will therefore not be visible to the public. A condition of approval is recommended that the proposed fence used to screen the below grade entrance shall be constructed as provided, and shall not be removed or lowered, but may be repaired or replaced when necessary.

Furthermore, the proposed stairway leading to the below grade entrance encroaching into the required exterior side yard is not considered to have a significant impact on drainage and sufficient space of 3.58m (11.75 ft.) is maintained for 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. 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 requested to permit 0.0m of permeable landscaping abutting the side lot line, whereas the by-law requires a permeable landscape strip with a minimum width of 0.6m (1.97 ft.). The intent of the by-law in requiring a minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted. A concrete walkway has been constructed along the northern property line, and the eastern interior side yard and the front porch leading to the rear yard. The construction of the walkway along the northern property line has resulted in site conditions where the property is dominated by hardscaping. The variance does not maintain the general intent and purpose of the Zoning By-law, staff therefore recommend that a minimum permeable landscape strip of 0.3m (0.98 ft.) be provided along the side lot line to help with drainage and separate the amount of hardscaping.

Variance 3 is requested to permit a driveway width of 6.96m (22.83 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 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 for an excessive number of vehicles to be parked in the front of the dwelling.

The existing driveway is 0.25m (0.82 ft.) wider than what the by-law permits. Given the configuration and width of the existing hard surface which forms part of the widened driveway, staff do not anticipate that there would be sufficient space for additional vehicles to park on the paved surface. Furthermore, the widened portion is not considered to significantly impact drainage or contribute to a substantial loss of the landscaped open space as the property is located on a corner lot. Variance 3 is considered to maintain the general intent and purposed of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a below grade entrance between the main wall of the dwelling and flankage lot line which will encroach into the exterior side yard setback. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit 0.0m of permeable landscaping along the side lot line. The elimination of the permeable landscape strip along the side lot line results in an abundance of hard surfacing at the front of the property. Variance 2 is not considered desirable for the appropriate development of the land, staff recommend a condition of approval requiring the applicant to provide a minimum 0.3 m (0.98 ft.) permeable landscape strip along the line as a means of providing some soft scaping for the front yard.

Variance 3 is requested to permit a driveway width of 6.96m (22.83 ft.) comprised of an existing paved surface which extends from the driveway to the front entrance and rear yard. The driveway extension will not result in additional vehicles from parking on the paved surface. Variance 3 is considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variance 1 is requested to facilitate a proposed below grade entrance between the main wall of a dwelling and the flankage lot line. Given that the below grade entrance will be screened behind the proposed extension of a fence, staff are satisfied that the existing streetscape will not be negatively impacted. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Variance 2 regarding the elimination of permeable landscaping contributes to a sense that the property is dominated by hardscaping and is therefore not considered to be minor in nature however, staff have put forth a recommendation that a reduced permeable landscape buffer of 0.3m (0.98 ft.) be provided along the lot line.

Variance 3 is requested to accommodate an increase in driveway width which is not anticipated to result in adverse impact on access to the front entrance of the dwelling or facilitate the parking of additional vehicles. Variance 3 is considered to be minor nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Assistant Development Planner

**Appendix A – Existing Site Conditions**

