



Report Committee of Adjustment

Filing Date: May 1, 2023
Hearing Date: May 30, 2023

File: A-2023-0128

**Owner/
Applicant:** PUBRA PATEL AND PURVESH PATEL

Address: 30 Tawnie Crescent

Ward: WARD 5

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-00128 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 drainage on adjacent properties should not be adversely affected;
 3. The below grade entrance shall not be used to access an unregistered second unit; and
 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 Extended Zone – Special Section 1925 (R2B-1925)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in a required side yard whereas the by-law does not permit a below grade entrance to be located in a required side yard;
2. To permit an interior side yard setback of 0.5 metres (1.64 ft.) to a proposed below grade entrance whereas the by-law requires a 1.2 metre (3.94 ft.) interior side yard setback; and
3. To permit a 0.23 metre (0.75 ft.) path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard width of 1.2 metres (3.94 ft.) to be provided as a path of travel from the front yard to the entrance of the second unit.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 2 Residential' in the Credit Valley Secondary Plan (Area 45). 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 an exterior stairway to a below grade entrance in the required interior side yard whereas a below grade entrance is not permitted in the required interior side yard. Variance 2 is requested to allow an interior side yard setback of 0.5 metres to a below grade entrance whereas the by-law requires a side yard setback of 1.2 metres. The intent of the by-law in prohibiting an exterior stairway to a below grade entrance in the interior side yard and requiring a minimum amount of interior side yard setback is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard. Staff look to ensure that the location of the below grade entrance and reduced side yard setback will not contribute to trespassing onto adjacent properties. The proposed 0.5 metre setback in the property owner's side yard will be used to access the rear yard without impediment. City Engineering Staff have reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a 0.23 metre path of travel leading to the primary entrance to a second unit whereas the by-law requires an unencumbered side yard with of 1.2 metres to be provided as a path of travel from the front yard to the entrance to the second unit. The intent of the by-law requiring an unencumbered side yard width of 1.2 metres is to ensure that residents do not trespass on adjacent properties. Subject to the conditions of approval, 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 exterior stairway to a below grade entrance in the side yard whereas this is not permitted in the Zoning By-law. Variance 2 and 3 are requested to permit an interior side yard setback that is less than what is required by the Zoning By-law. Despite the below grade entrance resulting in a reduced interior setback, Staff are satisfied that with the current proposal as permeable landscaping surrounds the entrance, providing for adequate drainage. Conditions of approval have also been included noting that the below grade entrance shall not be used to access an unregistered second unit. Given the context of the site, Staff believe that the below grade entrance will be appropriately located and will not generate negative impacts on-site or off-site. Subject to the recommended conditions of approval, Variances 1,2 and 3 are appropriate for the development of the land.

4. Minor in Nature

The proposed location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard as residents will not need to encroach on adjacent lots. The location of the proposed below grade entrance to access the house is appropriate given the site context. Staff have determined that adequate space is provided to allow for drainage and therefore, should not negatively impact abutting properties. No negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, Variances 1,2 and 3 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

