



Report Committee of Adjustment

Filing Date: September 5, 2023
Hearing Date: October 3, 2023
File: A-2023-0278
**Owner/
Applicant:** MANDEEP SINGH REHAL
Address: 36 Topiary Lane
Ward: WARD 6
Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0278 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. The below grade entrance shall not be used to access an unregistered second unit;
 3. That the fence remain in the existing location and height and not be removed or lowered to minimize visual impact on the streetscape;
 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 Semi-Detached A Special Section 942 (R2A – 942)', 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 a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line.
2. To permit a reduced exterior side yard setback of 2.49m (8.17 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low and Medium Density Residential' in the Fletchers Meadow Secondary Plan (Area 44). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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 to permit the construction of a below grade entrance within the area of the lot between the main wall of a dwelling and the flankage lot line (or exterior side yard). The intent of the by-law in prohibiting such construction in the exterior side yard is to prevent negative visual impacts to the overall aesthetics of the streetscape. The proposed below grade entrance will be constructed along the western wall of the dwelling, which is located at the southwest corner of Whispering Hills Gate and Topiary Lane. The proposed below grade is not anticipated to negatively impact the overall streetscape as it will be screened behind the existing fence surrounding the rear yard. A condition of approval is recommended that the fence shall remain constructed in its current location and height to ensure that below grade is not visible from the street. Subject to the recommended conditions of approval that Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit a reduced exterior side yard setback of 2.49m (8.17 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the Public Notice. Despite the reduced exterior yard setback, the addition of the below grade entrance is not anticipated to negatively impact drainage and access to the rear yard as there is still sufficient setback of at least 2.0m (6 ft.) between the proposed below grade and the property line to maintain such access.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the construction of a below grade entrance to be located between the main wall of dwelling and the flankage lot line. The location of the proposed below grade entrance will be screened from view behind the existing fence as it is in the amenity yard of the property. A condition of approval is recommended that the applicant shall maintain the existing fence in location and height to screen the below grade entrance in a manner that no parts of the entrance will

be visible from the public realm to ensure there are no significant impacts on the streetscape. An additional condition is recommended that the below grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code.

Subject to the recommended conditions, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit the construction of a below grade entrance in the exterior side yard and proposes to locate the entrance in such a manner that it will not be visible from the streetscape. There are no anticipated negative impacts on the subject property or adjacent properties. The dwelling will continue to align with the character of the surrounding neighbourhood and the proposed below grade entrance will not be visible from the public realm and therefore, subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development