

**Filing Date:** November 3, 2020

**Hearing Date:** December 1, 2020

**File:** A-2020-0127

**Owner/  
Applicant:** ANUM RAUF

**Address:** 1 Elmcrest Drive

**Ward:** 4

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That application A-2020-0127 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 Public Notice;
  2. That the applicant shall extend fencing having a maximum height of 2m along the exterior side lot line to screen the below grade entrance from view from Dusk Drive in a manner satisfactory to the Director of Development Services;
  3. That the below grade entrance shall not be used to access an unregistered second unit;
  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 F-11.6 – Special Section 2135 (R1F-11.6-2135) according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

5. To permit an exterior side yard setback of 3.35m (11 ft.) to an enclosed below

grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

### **Current Situation:**

#### **1. Conforms to the Intent of the Official Plan**

The property is designated "Residential" in the Official Plan and "Medium Density" in the Credit Valley Secondary Plan (Area 45). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested Variance is considered to maintain the intent of the Official Plan.

#### **2. Conforms to the Intent of the Zoning By-law**

The requested variance is to permit an exterior side yard setback of 3.35m (11 ft.) to an enclosed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

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. A condition of approval is recommended that the applicant shall extend the existing fence to screen the below grade entrance in a manner satisfactory to the Director of Development Services to provide screening between the entrance and the street, thereby mitigating its impacts on the streetscape. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

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

Variance 1 is related to a proposed enclosed below grade entrance in the exterior side yard of the corner property. It is intended that this entrance will facilitate the creation of a second unit within the dwelling. A condition of approval is recommended that the entrance not be used to access an unregistered second unit to ensure that any second unit is established in accordance with the Ontario Building Code (OBC). Further, a condition is recommended that the fence be extended to provide screening between the proposed entrance and the street, while allowing the rear yard amenity space to remain separate from the entrance enclosure. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

#### **4. Minor in Nature**

The requested variance is to permit an exterior side yard setback of 3.35m (11 ft.) to an enclosed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.). This reduction is intended to facilitate the construction of a below grade entrance for a second unit. The proposed reduction will have minimal impacts upon the massing of the building and is not anticipated to impact the streetscape when subject to Condition 2. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I, Development