

**Filing Date:** November 4, 2020

**Hearing Date:** December 1, 2020

**File:** A-2020-0130

**Owner/  
Applicant:** YATIN PRAJAPATI AND JAVNIKA PRAJAPATI

**Address:** 148 Mountainberry Road

**Ward:** 10

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

---

**Recommendations:**

That application A-2020-0130 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 below grade entrance shall not be used to access an unregistered second unit;
  3. That the fence remain constructed in its current location and height and shall not be removed or lowered;
  4. That the applicant obtain a building permit, if required, for the below grade entrance within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

**Background:**

Existing Zoning:

The property is zoned "Residential Semi-Detached A – Special Section 837 (R2A-837)" according to By-law 270-2004, as amended.

**Requested Variance:**

The applicant is requesting the following variance:

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.

**Current Situation:**

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

The subject property is designated "Residential" in the Official Plan and "Medium Density Residential" in the Springdale Secondary Plan (Area 2). 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 general intent of the Official Plan.

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

The property is zoned "Residential Semi-Detached A – Special Section 837 (R2A-837)" according to By-law 270-2004, as amended.

The requested variance is to permit an existing 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.

The intent of the by-law in prohibiting below grade entrances in the exterior side yard is to prevent negative visual impacts to the overall streetscape. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered. This will allow the entrance to remain screened from the street. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

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

The requested variance is intended to facilitate the use of the below grade entrance for the creation of a registered secondary unit. The entrance is located behind the existing fence and cannot be seen from the street, which allows the streetscape to remain unimpacted by the location of the entrance.

A condition of approval is recommended that the applicant obtain a building permit for the existing below grade entrance within 60 days of the final date of the Committee's decision in order to ensure that it has been constructed in accordance with the OBC. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land. Further, a condition of approval is recommended that the below grade entrance not be used to access an unregistered unit to ensure that any second unit is in compliance with the Ontario Building Code. 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 to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line is to permit an entrance to a second unit that will not be visible from the public realm. Conditions of approval are recommended related to registration of the proposed second unit to ensure safety and compliance with OBC. 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