

Filing Date: November 2, 2020

Hearing Date: December 1, 2020

File: A-2020-0120

Owner/

Applicant: HARKANWAR SINGH AND HARKIRAN GULATI

Address: 693 Balmoral Drive

Ward: 7

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0120 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 accessory structure identified as "existing shed" be removed and said removal be demonstrated within 60 days of the final date of the Committee's decision, or within an extended period of time as extended by the Director of Development Services;
 4. That drainage on adjacent properties shall not be adversely affected; and
 5. 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 – Special Section 100 (R2A(1)-100)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the by-law does not permit exterior stairways constructed below established grade in the required interior side yard; and
2. To permit an interior side yard setback of 2.06m (6.76 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The requested variances are not considered to have significant implications 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. Conforms to the Intent of the Zoning By-law

The property is zoned "Residential Semi-Detached – Special Section 100 (R2A(1)-100)" according to By-law 270-2004, as amended. The requested variances are in relation to a proposed below grade entrance in the interior side yard.

The intent of the by-law in prohibiting below grade entrances in the required interior side yard setback and requiring a minimum setback for interior side yards is to ensure that sufficient area is maintained for access to the rear yard and for drainage. The proposed setback of 2.06m (6.76 ft.) will provide a sufficient level of drainage and access to the rear yard.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning-Bylaw.

3. Desirable for the Appropriate Development of the Land

The requested variances are required in order to permit a below grade entrance in the interior side yard of the dwelling and a reduced setback between the property line and the stairs leading to the below grade entrance. The location of the below grade entrance does not inhibit access to the rear yard and the proposed reduced setback provides sufficient space for drainage in the side yard. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected.

The below grade entrance is proposed to be used as the primary entrance to a registered second unit. A condition of approval is recommended that the below grade entrance not be used to access an unregistered second unit to ensure that the second unit is constructed in accordance with Ontario Building Code (OBC) standards.

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

4. Minor in Nature

The requested variances are intended to facilitate a below grade entrance in the interior side yard. The reduced interior side yard setback of 2.06m (6.76 ft.) is not anticipated to negatively impact access to the rear yard and will provide sufficient space for drainage in the side yard of the property. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development