



## Report Committee of Adjustment

**Filing Date:** November 21, 2022

**Hearing Date:** March 28, 2023

**File:** A-2022-0371

**Owner/**

**Applicant:** MASOOD MOHAMMED FASIULLAH / MARWAN AL-FARRAJI

**Address:** 14 Dublin Road

**Ward:** WARD 6

**Contact:** Megan Fernandes, Planning Technician

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### Recommendations:

That application A-2022-0371 be refused.

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### Background:

The property is a corner lot located along Dublin Road and Locomotive Crescent, the contemplated below grade entrance will be located between the main wall of the dwelling and the flankage lot line. Staff recommended the application be refused as the proposed location of the below grade entrance could detract from the desired aesthetics of the overall streetscape, and therefore the variance is not considered minor.

The application was previously presented to the Committee of Adjustment on January 3, 2023, the original concept plan proposed a below grade entrance along the frontage of the dwelling fronting Dublin Road. The application was deferred to contemplate an alternate location of the below grade entrance. The applicant has provided a revised sketch contemplating a below grade entrance on the main wall of the dwelling fronting Locomotive Crescent

### Existing Zoning:

The property is zoned 'Residential Single Detached (R1F)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.84m (9.32 ft.) to a 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 as 'Residential' in the Official Plan and 'Low-Med Density' in the Mount Pleasant Secondary Plan (Area 51). The nature and extent of the proposed 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 requesting to permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line. Variance 2 is seeking to permit a exterior side yard setback of 2.84m (9.32 ft.) to a below grade entrance whereas the by-law requires a minimum exterior yard setback of 3.0m (9.84 ft.). The intent of the by-law in prohibiting below-grade entrances between the main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below-grade entrance does not negatively impact the aesthetic of the overall streetscape.

The subject property is a corner lot located at the intersection of Dublin Road and Locomotive Crescent. The location of proposed below-grade entrance is located in a highly visible area. The below-grade entrance is proposed to be constructed on the southern wall of the dwelling, fronting Locomotive Crescent. The overall configuration of the lot presents a front yard and exterior side yard in a highly visible area. The applicant provided an updated sketch (Appendix B) illustrating a landscaping buffer intended to screen the proposed below grade entrance. Upon staff review it was determined that the proposed landscaping will not sufficiently screen the below grade entrance from the street view. The option to screen the entrance by way of fencing is not feasible as a fence cannot be constructed in the exterior side yard. The variance is not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting a variance to facilitate the construction of a new below-grade entrance proposed between the main wall of the dwelling and the front flankage lot line. According to Section 5.2, Chapter 7 of the Cities Development Design Guidelines (DDGs), a document intended to guide future community development from the principles of good urban design, corner lot dwellings play a significant role in setting an image, character, and quality of the street and acting as landmark buildings within the neighborhood. As such, corner lot dwellings are considered priority lots, and their

architectural features are consequently treated in a manner that seeks to enhance the overall streetscape. Therefore, the variance is not considered desirable for the appropriate development of the land.

4. Minor in Nature

The construction of a below-grade entrance between the main wall of the dwelling and the flankage lot line of the corner lot dwelling will detract from the desired aesthetics of the overall streetscape. Moreover, the proposed screening of the below grade entrance with landscaping will not adequately screen the entrance from the street view, therefore, the variance is not considered minor.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

## Appendix A – Site Visit Photos

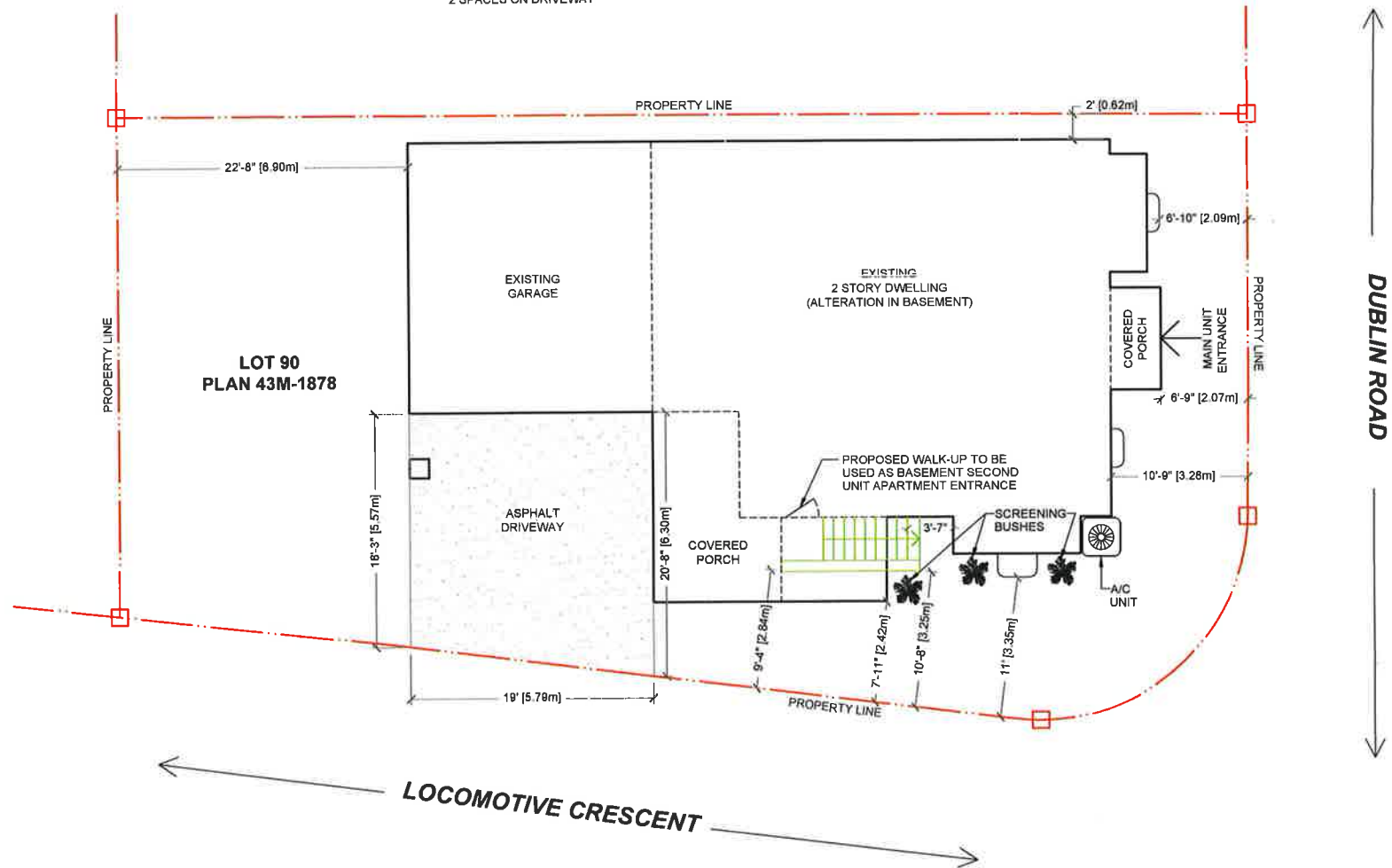




EXISTING SECOND FLOOR AREA: 116.06 m<sup>2</sup>  
EXISTING MAIN FLOOR AREA EXCLUDING GARAGE & FRONT PORCH: 96.73 m<sup>2</sup>  
PROPOSED BASEMENT APARTMENT AREA: 89.13 m<sup>2</sup>

## Appendix B

PARKING SPACES REQUIRED: 2 SPACES  
PARKING SPACES PROVIDED / AVAILABLE: 1 SPACE INSIDE GARAGE  
2 SPACES ON DRIVEWAY



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	00	21.02.23	ISSUED FOR BUILDING PERMIT						

67 Woodvalley Drive, Brampton, Ontario, L7A 1Z3  
Tel: 647-227-3227, www.alfasolutions.com  
Email: mafferej@alfasolutions.com