



## Report Committee of Adjustment

**Filing Date:** March 22<sup>nd</sup>, 2024  
**Hearing Date:** April 23<sup>rd</sup>, 2024

**File:** A-2024-0155

**Owner/  
Applicant:** SOHAIB AL-SAMMARRAIE & AL-JADIR / DINESH BHUTANI

**Address:** 2 Berkwood Hollow Court

**Ward:** WARD 4

**Contact:** Paul Brioux, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0155 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. That the below grade entrance shall not be used to access an unregistered second unit;
  3. That drainage on adjacent properties should not be adversely affected;
  4. That the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary; 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 Single Detached – Special Section 2091(R1F-2091), according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a required front yard setback of 3.25 metres to an exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum a required front yard setback of 4.5 metres; and
2. To permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the front lot line, whereas the by-law does not permit exterior stairways constructed below established grade in the required front yard.

### **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Medium Density 2' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan. As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. 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 requested to permit a required front yard setback of 3.25 metres to an exterior stairway leading to a below grade entrance, whereas the by-law requires a minimum a required front yard setback of 4.5 metres. Variance 2 is requested to permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the front lot line, whereas the by-law does not permit exterior stairways constructed below established grade in the required front yard.

The intent of the by-law in requiring a minimum setback between a below grade entrance in the front yard and the front lot line is to ensure that the location of the entrance does not negatively impact the aesthetic of the overall streetscape. Although a setback reduction is proposed, there is sufficient space between the stairway and the property line to access all portions of the property. The below grade entrance is proposed to be located behind an existing fence that encloses the amenity area of the property effectively screening it from public view. A condition of approval is recommended that the existing fence used to screen the below grade entrance remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary.

Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties should not be adversely affected.

Subject to the conditions of approval, the variances are 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 variances to facilitate the construction of a proposed below grade entrance within the required front yard and for a reduced setback for the purpose of creating an additional residential unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. The below grade entrance will be screened by an existing fence limiting any visual impacts to the streetscape. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variances are not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and existing mode of screening. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

*Paul Brioux*

Paul Brioux, Assistant Development Planner

**Appendix 1**

