

Filing Date: December 14, 2020

Hearing Date: January 26, 2021

File: A-2020-0152

**Owner/
Applicant:** **BHARAT KUMAR CHAVDA AND SUPRIYA CHAVDA**

Address: **3 Allegro Drive**

Ward: 4

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2020-0152 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 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 Single Detached F – Special section 2102 (R1F-2102)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a 3.9m (12.8 ft.) setback to a proposed below grade stairway in the required front yard whereas the by-law requires a minimum setback of 4.5m (14.76 ft.) to the front lot line.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated “Residential” in the Official Plan and “Low Density 2 Residential” in the Credit Valley Secondary Plan (Area 45). The requested variance is not considered to have significant implications 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 Single Detached F – Special section 2102 (R1F-2102)” according to By-law 270-2004, as amended.

Variance 1 is to permit a 3.9m (12.8 ft.) setback to a proposed below grade stairway in the required front yard whereas the by-law requires a minimum setback of 4.5m (14.76 ft.) to the front lot line. 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.

In the case of the subject property, the proposed below grade entrance is not anticipated to negatively impact the appearance of the streetscape as it will be set back further than the existing porch, and partially screened by existing landscaping. 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

The requested variance is to permit a reduced setback to a below grade entrance in the front yard. In the case of the subject property the proposed below grade entrance will be set back further within the property than the existing porch, which will allow it to have a low profile appearance and minimal impact in regard to the overall aesthetic of the property. A condition of approval is recommended that the entrance not be used to access an unregistered second unit to ensure that any second unit within the dwelling is constructed in accordance 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 reduced setback from 4.5m (14.76 ft.) to 3.9m (12.8 ft.) between a proposed below grade entrance and the front lot line is not anticipated to have significant impacts on either the function of the stairway or the appearance of the front yard. 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