

Filing Date: December 17, 2020
Hearing Date: January 26, 2021
File: A-2020-0160
**Owner/
Applicant:** **GURJEET KOUR**
Address: **38 HINDQUARTER COURT**
Ward: 7
Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2020-0160 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 applicant obtain a building permit 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;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That the fence remain constructed in its current location and height and shall not be removed or lowered;
 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 Townhouse A(4) – Special Section 128 (R3A(4)-128)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an exterior stairway constructed below established grade between the main wall of a dwelling and a flankage lot line and within the required exterior side yard as shown on Schedule C – Section 128 of the by-law whereas the by-law does not permit an exterior stairway constructed below the established grade between the main wall of the dwelling and a flankage lot line or within the required exterior side yard.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated “Residential” in the Official Plan and “Medium Density Residential” in the Bramalea Secondary Plan (Area 3). The requested variance is not considered to have significant implications within the context of the policies of the Official Plan. 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 Townhouse A(4) – Special Section 128 (R3A(4)-128)” according to By-law 270-2004, as amended.

The intent of the by-law in prohibiting below grade entrances between a 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 overall streetscape.

In the case of the subject property, the location of the below grade entrance is behind an existing fence which helps to mitigate the visual impacts of the entrance. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered to ensure this screening remains.

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 relates to an existing below grade entrance in the exterior side yard of the property whereas the by-law does not permit a below grade entrance to be located there. The location of the entrance does not inhibit access to the rear yard, and it is located behind a fence which provides screening for the entrance from the street. A condition of approval is recommended that the applicant obtain a building permit for the entrance within 60 days of the final date of the Committee’s decision that the entrance not be used to access an unregistered second unit to ensure that the entrance and any second unit 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 variance to permit a below grade entrance in the exterior side yard is not anticipated to negatively impact the visual quality of the streetscape as it is located behind a fence. Further, the stairs leading to the entrance are setback from the lot line enough to provide sufficient access to the rear 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