

**Filing Date:** February 5, 2021

**Hearing Date:** March 9, 2021

**File:** A-2021-0010

**Owner/  
Applicant:** SUHAIR ATA & ZIAD KAILANI

**Address:** 1 Facet Street

**Ward:** 6

**Contact:** Shelby Swinfield, Planner I

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**Recommendations:**

That application A-2021-0010 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 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 applicant shall extend the existing fence to screen the below grade entrance in a manner satisfactory to the Director of Development Services; 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 F – Special Section 2452 (R1F-2452)" according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 2.12m (6.96 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. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low / Medium Density' in the Mount Pleasant Secondary Plan (Area 51). The Residential designation supports the current use and the variance is not expected to have any significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintain the general purpose and 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 2452 (R1F-2452)" according to By-law 270-2004, as amended.

Variance 1 is requested to permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance to be located between the main wall of a dwelling and the flankage lot line. 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. The below grade entrance is proposed to be located behind the fence that will enclose the amenity area of the property.

A condition of approval is recommended that the applicant shall extend the existing fence to screen the below grade entrance in a manner that no parts of the entrance will be visible from the public realm. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit an exterior side yard setback of 2.12m (6.96 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Public Notice. Despite the reduced exterior yard setback, the addition of the below grade entrance is not anticipated to negatively impact drainage and access to the rear yard as there is a setback of at least 2.0m (6 ft) between the proposed below grade and the property line.

Subject to the recommended conditions of approval Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the construction of a below grade entrance to be located between the main wall of a dwelling and the flankage lot line. A condition of approval is recommended that the applicant shall extend the existing fence to screen the below grade entrance in a manner that no parts of the entrance will be visible from the public realm to ensure there are no significant impacts on the streetscape. An additional condition is recommended that the below-grade entrance not be used to access an unregistered second unit to ensure that any second unit is constructed in accordance with the Ontario Building Code.

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

4. Minor in Nature

The proposed variances are not anticipated to negatively impact the subject property or adjacent properties. The dwelling will continue to align with the character of the surrounding neighbourhood and the proposed below-grade entrance will not be visible from the public realm, subject to the recommended conditions of approval, and will not negatively impact the aesthetic quality of the property.

The requested variances, subject to the recommended conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

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