

Filing Date: February 8, 2021

Hearing Date: March 9, 2021

File: A-2021-0018

**Owner/
Applicant:** MOHAMMED ALI

Address: 139 Ecclestone Drive

Ward: 5

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0018 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 above grade door 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 D – Special Section 377 (R1D-377)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an above grade door located on a side wall having an interior side yard setback of 0.93m (3.05 ft.), and having an associated step with a setback of 0.66m (2.17 ft.), whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to a above grade door in the interior side yard and a setback of 0.9m (2.95 ft.)

to any associated steps or landings.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and "Low Density Residential" in the Brampton Flowertown Secondary Plan (Area 6). 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 D – Special Section 377 (R1D-377)" according to By-law 270-2004, as amended. The requested variance is to permit an above grade door located on a side wall having an interior side yard setback of 0.93m (3.05 ft.), and having an associated step with a setback of 0.66m (2.17 ft.), whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to a above grade door in the interior side yard and a setback of 0.9m (2.95 ft.) to any associated steps or landings. The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained.

In the case of the subject property, on the opposite side of the dwelling from the location of the above grade entrance, the interior side yard has a setback of 1.2m (3.94 ft) which facilitates access into the rear yard. 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 variances are intended to facilitate an existing above grade door located in the interior side yard of the existing single detached dwelling. The above grade entrance is not considered to negatively impact access to the rear yard as sufficient space to access to the rear yard is maintained on the opposite side of the dwelling. A condition of approval is recommended that the above grade door in the interior side yard will not be used to access an unregistered second unit to ensure any second unit constructed within the dwelling complies 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 proposed variance is not anticipated to negatively impact the subject property or adjacent properties. The above grade entrance will not negatively impact access to the rear yard as sufficient space is maintained for access on the opposite side of the

dwelling. The requested variance, subject to the recommended conditions of approval, is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

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Planner I