

Filing Date: February 8, 2021
Hearing Date: March 9, 2021
File: A-2021-0017
**Owner/
Applicant:** VINEET CHOUDHARY & ALKA JAWLA
Address: 50 Portrush Trail
Ward: 5
Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0017 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 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 Semi-Detached A – Special Section 1313 (R2A-1313)" according to By-law 270-2004, as amended.

Requested Variance:

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 existing accessory structure (shed) having a side yard setback of 0.3m (0.98 ft.) and a rear yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure from all nearest property lines.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Medium density' in the Credit Valley Secondary Plan (Area 45). 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 variances, subject to the recommended conditions of approval, are considered to 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 Semi-Detached A – Special Section 1313 (R2A-1313)" 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 encloses the amenity area of the property. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered so 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 existing accessory structure (shed) having a side yard setback of 0.3m (0.98 ft.) and a rear yard setback of 0.4m (1.31 ft.) whereas the

by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure from all property lines. The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage. The proposed reduction is not anticipated to impact drainage for the subject property or adjacent properties.

Subject to the recommended conditions of approval, the requested 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 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 as well as permit an existing accessory structure. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered in a manner that parts of the entrance will be visible from the public realm. This condition is intended 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 variance is not anticipated to negatively impact the subject property or adjacent properties given that the accessory structure and below grade entrance will be located behind the fence enclosing the rear yard amenity area. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

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