



Report Committee of Adjustment

Filing Date: August 6, 2021
Hearing Date: September 14, 2021

File: A-2021-0182

**Owner/
Applicant:** FARHAN SHAHID AND SEHAR SHEIKH

Address: 7 NOVICE DR, BRAMPTON, ON

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0182 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 below grade entrance shall not be used to access an unregistered second unit;
 3. That the applicant shall implement a fence or provide landscaping to screen the below grade entrance in a manner satisfactory to the Director of Development Services;
 4. 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 (R3E-5.5-2239)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below grade entrance between the main wall of the dwelling and the flankage lot line;

2. To permit an exterior side yard setback of 2.06m (6.76 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated "Residential" in the Official Plan and "Medium Density Residential" within the Mount Pleasant Secondary Plan Area (Area 51). The requested variances are not considered to have significant impacts within the context of the Official Plan. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below grade entrances between the main wall of the 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. A condition of approval is recommended that the applicant shall implement a fence or provide landscaping to screen the below grade entrance in a manner satisfactory to the Director of Development Services to ensure that the below grade entrance is fully screened from view of the street. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit an exterior side yard setback of 2.06m (6.76 ft.) to a proposed 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.

The applicant is proposing a 0.94m (3.08 ft.) reduction to the exterior side yard setback. The 2.06m (6.76 ft.) exterior side yard setback to the proposed below grade entrance is not anticipated to impact drainage or access to the rear yard. 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 the construction of a below grade entrance in the exterior side yard of the property in order to create a second unit within the residential dwelling. A condition of approval is recommended that the entrance not be used to access an unregistered second unit to ensure that the second unit is constructed in accordance with the Ontario Building Code. A further condition of approval is recommended that the applicant shall implement a fence or provide landscaping to screen the below grade entrance in a manner satisfactory to the Director of Development Services so that the location of the fence can be adjusted (if required) to ensure full screening of the below grade entrance.

Subject to the recommended conditions of approval, the requested variances for the location and setback of the proposed below grade entrance are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended conditions of approval, the proposed location and setback of the below grade entrance is not anticipated to have negative impacts on the streetscape and will facilitate the creation of a second unit within the residential dwelling. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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