

**Filing Date:** September 22, 2020

**Hearing Date:** October 22, 2020

**File:** A-2020-0096

**Owner/  
Applicant:** ROBERTO LOPEZ AND ELECTRA LOPEZ

**Address:** 1 Alamosa Court

**Ward:** 4

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That application A-2020-0096 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 fence shall remain constructed in its current location and height;
3. That the below grade entrance shall not be used to access an unregistered second unit; and
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 E-6 – Special Section 2025 (R3E-6-2025)" 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.

### **Current Situation:**

#### **1. Conforms to the Intent of the Official Plan**

The property is designated as “Residential” in the Official Plan and “Low/Medium Density Residential” in the Bram West Secondary Plan (Area 40c). The requested variance has no significant impacts within the context of the Official Plan and, subject to the recommended conditions of approval, 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 E-6 – Special Section 2025 (R3E-6-2025)” according to By-law 270-2004, as amended. The requested variance is to permit the construction of a below grade entrance within the area of the lot between the main wall of the dwelling and the flankage lot line (or exterior side yard). The intent of the by-law in prohibiting below grade entrances in the exterior side yard is to prevent negative visual impacts to the overall streetscape. The proposed below grade entrance is located within the effective rear yard of the dwelling, and is screened behind the fence surrounding the rear yard. A condition of approval is recommended that the fence shall remain constructed in its current location and height to ensure that the below grade entrance is not visible from the street.

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 below grade entrance within the exterior side yard of the lot will facilitate the construction of a basement unit within the existing dwelling. The location of the proposed below grade entrance will be screened from view behind the existing fence as it is located in the amenity yard for the property. A condition of approval is recommended that the entrance not be used to access an unregistered second unit to ensure that any second unit within the dwelling is registered and complies with the requirements of 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 proposes to locate the entrance in a location that will not be visible from the streetscape. 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, Development