

**Filing Date:** October 13, 2020  
**Hearing Date:** November 10, 2020

**File:** A-2020-0110

**Owner/  
Applicant:** AAMIR FIDA AND QURAT UL AIN

**Address:** 26 Newport Street

**Ward:** 7

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

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**Recommendations:**

That application A-2020-0110 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 below grade entrance shall not be used to access an unregistered second unit;
3. That the fence remain constructed in its current location and height and shall not be removed or lowered;
4. 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;
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:**

Through the review of the application it was determined that the existing driveway is considered to be Legal Non-Conforming and as such an analysis of it will not be included within this report.

**Existing Zoning:**

The property is zoned "Residential Single Detached B(3) – Special Section 182

(R1B(3)-182)” 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 a main wall of a dwelling and the flankage lot line;
2. To permit a below grade entrance stair having an exterior side yard setback of 1.83m (6.00 ft.) whereas the by-law requires an exterior side yard setback of 3.0m (9.84 ft.);
3. To permit an existing driveway width of 8.9m. (29.19 ft.) whereas the by-law permits a maximum driveway width of 7.32m (24.00 ft.);
4. To permit an encroachment of the eave on the canopy above the below grade entrance of 0.7m (2.30 ft.) whereas the by-law permits a maximum encroachment of an eave of 0.5m (1.64 ft.).

**Current Situation:**

1. Conforms to the Intent of the Official Plan

The property is designated “Residential” in the Official Plan and “Low Density 1 Residential” in the Bramalea Secondary Plan Area (3). The requested variances are not considered to have significant impacts within the context of the Official Plan policies, and subject to the recommended conditions of approval, are considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

Variances 1 and 2 relate to an existing below grade entrance located within the exterior side yard of the property, behind a fence.

The intent of the by-law in prohibiting below grade entrances in the exterior side yard and requiring a minimum side yard setback to the stairs leading to the entrance is to prevent negative visual impacts to the overall streetscape. The proposed below grade entrance 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, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 4 is requested to permit a covering canopy associated with the below grade entrance to encroach into the exterior side yard by 0.7m (2.3 ft) whereas the by-law permits a maximum encroachment of 0.5m (1.64 ft). The intent of the by-law in

regulating the maximum encroachment of an eave is to ensure that runoff from the eave does not drain onto adjacent properties. The location of this eave and its encroachment do not present any concerns with regard to runoff impacting adjacent properties. Subject to the recommended conditions of approval, Variance 4 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1, 2, and 4 are requested to permit an existing below grade entrance located within the exterior side yard of the residential dwelling, and to permit an increased eave encroachment for the canopy associated with that entrance.

The location of the entrance and canopy is fully screened by a wood board fence that also separates the location of the entrance from the rear yard amenity space. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered to ensure that screening remains in place. Additionally, as the entrance and canopy have already been constructed, a condition of approval is recommended that a building permit be obtained for the below grade entrance within 60 days of the final date of Committee's decision. A further condition is recommended that the entrance not be used to access an unregistered second unit to ensure that any second unit in the dwelling is constructed in accordance with the Ontario Building Code.

Subject to the recommended conditions of approval, Variances 1, 2, and 4 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are to permit a below grade entrance and associated stairway in the exterior side yard of the property. Variance 4 is requested to permit the canopy above the entrance to encroach into the exterior side yard. Given the location of the entrance and canopy behind a solid wood board fence, the impacts to the streetscape are minimized. A condition of approval is recommended that the fence remain constructed in its current location and height and shall not be removed or lowered to ensure that screening remains in place. Subject to the recommended conditions of approval, Variances 1, 2, and 4 are considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, , Planner I, Development