

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

File: A-2020-0112

**Owner/
Applicant:** DIPEN PAREKH AND SONAL SHAH

Address: 393 Royal West Drive

Ward: 5

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0112 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 applicant shall extend the existing fence to screen the below grade entrance in a manner satisfactory to the Director of Development Services; 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 Single Detached F11.6 – Section 2303 (R1F-11.6-2303) 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 an exterior side yard setback of 3.156m (10.35 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated “Residential” in the Official Plan and “Low Density Residential 2” in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant implications within the context of the policies 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. Conforms to the Intent of the Zoning By-law

The property is zoned “Residential Single Detached F11.6 – Section 2303 (R1F-11.6-2303) according to By-law 270-2004, as amended.

Variances 1 and 2 are requested to permit a below grade entrance in to be located between the main wall of a dwelling and the flankage lot line, and to allow an exterior side yard setback of 3.156m (10.35 ft.) to an exterior stairway leading to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 4.5m (14.76 ft.).

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. A condition of approval is recommended that the applicant shall extend the existing fence to screen the below grade entrance in a manner satisfactory to the Director of Development Services so that the below grade entrance is not visible from the street upon construction. This will allow the applicant to discuss the proposed fencing with Planning staff prior to construction.

Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit a proposed below grade entrance in the exterior side yard of the subject property to allow for the creation of a second unit. A condition of approval is recommended that the below grade entrance not be used to access an unregistered unit to ensure that any second unit is in compliance with the Ontario Building Code. A condition of approval is also recommended to an extension of the existing wood board fence to provide screening between the proposed entrance and the street so that visual impacts are minimized.

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

4. Minor in Nature

The requested variances are intended to facilitate the creation of a below grade entrance to serve a second unit in the residential dwelling. A condition of approval is recommended that the applicant extend the existing fence to screen the proposed entrance from the street so that the location of the entrance has minimal impacts on the streetscape. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development