



## Report Committee of Adjustment

**Filing Date:** April 21, 2023  
**Hearing Date:** May 30, 2023

**File:** A-2023-0109

**Owner/  
Applicant:** BHUVANESH SHARMA AND NENA SHARMA

**Address:** 1 Jaffa Drive

**Ward:** WARD 7

**Contact:** Ellis Lewis, Planning Technician

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### **Recommendations:**

That application A-2023-0109 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 existing fence used to screen the below grade entrance shall be constructed as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
  3. 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 Single Detached C- Special Section 245 (R1C-245)', 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 the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall of the dwelling and the flankage lot line.
2. To permit an exterior side yard setback of 2.3 metres (7.54 ft.) whereas the by-law requires a minimum 3.0 metres (9.84 ft.) exterior side yard; and

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramlea Secondary Plan (Area 3). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit a below grade entrance to be located between the main wall of the dwelling and the front of a 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 front of a flankage lot line. The intent of the by-law prohibiting below grade entrances between the 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 aesthetic of the overall streetscape. The proposed below grade entrance is not considered to negatively impact the overall landscape as it will be screened from the street by an existing fence and will therefore not be visible from the public realm. A condition has been included stating that the fence used to screen the below grade entrance shall not be removed or lowered, but may be repaired or replaced when necessary; this will ensure that the side entrance will continue to be adequately screened.

Variance 2 is requested to permit a reduced exterior side yard setback of 2.3 metres to a below grade entrance, whereas a minimum exterior side yard setback of 3.0 metres is required by the by-law. The intent of the by-law requiring a minimum exterior side yard setback is to ensure that sufficient space is provided to allow access to the rear yard. A continual path of travel to the rear yard will still be provided. City Engineering Staff have also reviewed the proposed development and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, Variance 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. The addition of the below grade entrance should not interfere with the streetscape of the neighbourhood as the applicant provided a Site Plan illustrating the stairway and entrance being

screened by a fence. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. Subject to the recommended condition of approval, Variances 1 and 2 are considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variances 1 and 2 are requested to permit a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. Given that the below grade entrance will be screened behind a fence that is adjacent to the side lot line, staff are satisfied that the existing streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have negative impacts on drainage or limit access to the rear of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Planning Technician

**Appendix A:**

