



## Report Committee of Adjustment

**Filing Date:** September 12, 2022

**Hearing Date:** October 25, 2022

**File:** A-2022-0292

**Owner/  
Applicant:** SIDNEY ANDERSON & CINDY ANDERSON

**Address:** 8 ELDERBANK CREACENT

**Ward:** WARD 2

**Contact:** Mohammed Jalabi, Assistant Development Planner

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### Recommendations:

That application A-2022-0292 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 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 (R1B)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit stairways constructed below established grade within a required interior side yard;
2. To permit an interior side yard setback of 0.05m (0.16 ft.) to a proposed below grade entrance whereas the by-law requires a minimum interior side yard width of 0.3m (0.98 ft.) to a below grade entrance provided that a continuous side yard width of no less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling.

### **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 Residential' in the Bramalea Secondary Plan (Area 3). The nature and extent of the proposed 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**

The first variance is requested to permit a below grade entrance within a required interior side yard whereas the by-law does not permit stairways constructed below established grade within a required interior side yard. The second variance is requested to permit an interior side yard setback of 0.05m (0.16 ft.) to a proposed below grade entrance whereas the by-law requires a minimum interior side yard width of 0.3m (0.98 ft.) to a below grade entrance provided that a continuous side yard width of no less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling. The intent of the by-law in not allowing below grade entrances in the required interior side yard and requiring a minimum amount of interior side yard setback is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

The proposed below grade entrance and associated setback reduction into the required interior side yard is not anticipated to have significant impact on drainage and space will be maintained for access to the rear yard on the opposite side of the dwelling with a 2m (6.56 ft.). The total lot width from both sides would measure at 2.05m, while the opposite side lot is 0.9m greater than the required 1.2m (3.94 ft.) allowing for adequate space to permit safe and easy access for everyday and emergency uses to the rear yard. The variances are considered to maintain the general intent and purpose of the Zoning By-law.

#### **3. Desirable for the Appropriate Development of the Land**

The requested variances are intended to permit a proposed stairway accessing a below grade entrance which will be situated in the required interior side yard of the property. The below grade entrance is not anticipated to generate negative impacts on-site or off-site. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

#### **4. Minor in Nature**

The application seeks to permit the location of a proposed below grade entrance in order to facilitate the creation of a second dwelling unit on the property. The requested variances are not expected to have significant impact on drainage or limit access to the property given that access is maintained on the opposite site of the dwelling. Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

*Mohammed Jalabi*

Mohammed Jalabi, Assistant Development Planner