



Report Committee of Adjustment

Filing Date: January 11, 2023
Hearing Date: February 14, 2023

File: A-2023-0014

**Owner/
Applicant:** VIVEK KUMAR KHANNA AND VASUDHA KHANNA

Address: 198 Earnscliffe Circle

Ward: WARD 7

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0014 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 owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 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 Semi-Detached A(1) (R2A(1)-100)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard, whereas the by-law does not permit a below grade entrance in the required interior side yard.

2. To permit a 1.96m (6.43 ft.) interior side yard setback to an as-built below grade entrance, whereas the by-law requires a minimum 3.0m (9.84 ft.) interior side yard.

Current Situation:

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

The subject lands are designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The Residential designation supports the current use and the requested variances are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and is 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 subject lands are currently zoned 'Residential Semi-Detached A(1),' Special Section 100 (R2A(1)-100), according to By-law 270-2004, as amended.

Variance 1 is requesting to permit an as-built below grade entrance within a required interior side yard, whereas the by-law does not permit a below grade entrance within a required interior side yard. Variance 2 is requesting to permit a 1.96m (6.43 ft.) interior side yard setback to an as-built below grade entrance, whereas the by-law requires a minimum 3.0m (9.84 ft.) interior side yard. The intent of the by-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space is maintained to access the rear yard of the property and provide drainage between the stairs and the property line.

The existing below grade entrance is constructed along the southern wall of the dwelling and is located 1.96m (6.43 ft.) from the interior property line. Despite the reduced interior side yard width, the below grade entrance does not impede access to the rear yard as it presents a continuous path. There is an existing fence along the property line which prevents persons from encroaching onto the neighbouring property to access the side entrance. Furthermore, the addition of the below grade exterior stairs is not anticipated to negatively impact drainage as the stairway leading to the below grade entrance is enclosed by a roofed panelled structure. Subject to the recommended conditions of approval, 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

Variances 1 and 2 are intended to permit a proposed below grade entrance which will be situated in the required interior side yard. The configuration of the below grade entrance along the southern wall of the dwelling does not impede access to the rear yard or encroach on to the neighbour's property as a result of the existing fence. Staff do not anticipate any negative impacts to drainage or access to the front yard or rear yard of the property and consider the location of the below grade entrance appropriate given the site context. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variations 1 and 2 are requested variations are intended to permit an existing stairway to a below grade entrance which will be situated in the required interior yard. The requested variations are not considered to have a significant impact on drainage or limit access to the property to the front or rear yard. Variations 1 and 2 are deemed minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

