



Report Committee of Adjustment

Filing Date: November 6, 2023
Hearing Date: December 19, 2023

File: A-2023-0350

**Owner/
Applicant:** ARUNESH SAXENA & TANVI CHANDWANI

Address: 11 Floribunda Crescent

Ward: WARD 7

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0350 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 remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the below grade entrance shall not be used to access an unregistered second unit; and
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached A(2)-Special Section 214 (R2A(2)-214)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line; and
2. To permit a proposed exterior side yard setback of 2.2m (7.22 ft.) to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium High Density 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. As stated in Official Plan Section 3.2.8.2(ii), a second unit must comply with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. 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 proposed exterior stairway leading to a below grade entrance located between the main wall of the dwelling and the flankage lot line, whereas the by-law does not permit a stairway constructed below established grade to be located between the main wall of a dwelling and the flankage lot line. The intent of the by-law prohibiting below grade entrances between the wall of a 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.

Based on the Site Plan drawing that was provided by the applicant, it is noted that the entrance and stairway will be screened from the streetscape with an existing fence. The proposed below grade entrance will be constructed along the eastern wall of the detached dwelling, which is located closest to the southwest corner of Floribunda Crescent and Terese Road. The proposed below grade entrance is not anticipated to negatively impact the overall landscape as it will be screened from the streetscape and will not be visible to the public. A condition has been included stating that the fence used to screen the below grade entrance shall remain as provided, and not be removed or lowered, but may be repaired or replaced when necessary; this will ensure that the side entrance will be screened. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an exterior side yard setback of 2.2m (7.22 ft) to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft). 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 continuous path of travel to the rear yard will still be provided. A path of travel that is 1.2m wide (4.0 ft) is available on the opposite side of the property. 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 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 seeks to permit a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line. The addition of the below grade entrance should not interfere with the streetscape of the community as the supplied Site Plan illustrates the entrance being screened by an existing 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 conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit a reduced exterior side yard setback of 2.2m (7.22 ft) to a below grade entrance, whereas a minimum exterior side yard setback of 3.0m (9.84 ft) is required by the by-law. The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is provided to allow access to the rear yard. A continuous path of travel to the rear yard will still be provided in this situation. 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 2 is 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 by a fence that will be adjacent to the side lot line and that is already constructed, Staff are of the opinion that neighbouring properties should not be negatively impacted by the proposal. Additionally, the below grade entrance is not considered to have negative impacts on drainage or to limit access to the rear of the property. Subject to the recommended conditions of approval, both Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis".

Ellis Lewis, Assistant Development Planner

Appendix A:

