



Report Committee of Adjustment

Filing Date: February 16th, 2024

Hearing Date: March 19th, 2024

File: A-2024-0045

Owner/

Applicant: PASZTI ANDREA / MALAV SHAH

Address: 2 Hazelwood Drive

Ward: WARD 7

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0045 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 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;
 4. That drainage on adjacent properties should not be adversely affected; and
 5. 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 A (2) - R1A (2)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

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

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan, and further designated 'Low Density Residential 1' in the Bramalea Secondary Plan (Area 3). The requested variance is 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 variance 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 variance 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 in prohibiting below grade entrances between a main 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 overall streetscape.

The below grade entrance and associated stairway will result in an exterior side yard setback that complies with the by-law. The proposed below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation between the staircase and property line will be maintained. The below grade entrance is proposed to be located behind an existing fence that encloses the amenity area of the property effectively screening it from public view. A condition of approval is recommended 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.

Subject to the recommended conditions of approval, the requested variance 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 is requested to facilitate a proposed entrance located between the main wall of the dwelling and the flankage lot line. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the northeast wall of the dwelling. 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. The below grade entrance will be screened by an existing fence as shown on the site plan. Conditions of approval noting that the below grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties should not be

adversely affected have been included. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

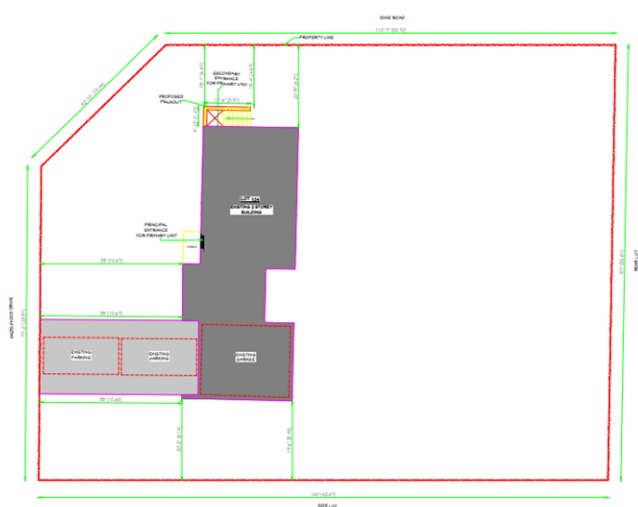
The proposed below grade entrance and reduced exterior side yard setback are not considered to impact access to the rear yard. The location of the proposed below grade entrance to access the house is appropriate given the site context. Staff are of the opinion that the location of the below grade entrance is not anticipated to alter the outlook of the neighbourhood as the new entrance will be screened by a fence that is already constructed and existing vegetation. The requested variance is also not considered to have significant impact on drainage or limit access to the property. Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:



Appendix B:

