



Report Committee of Adjustment

Filing Date: April 26, 2023
Hearing Date: May 30, 2023

File: A-2023-0112

**Owner/
Applicant:** SREENATH KUNDOORI AND SHAILAJA KUNDOORI

Address: 73 Brushwood Drive

Ward: WARD 6

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0112 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. The below grade entrance shall not be used to access an unregistered second unit;
 3. That the owner implement planting to adequately screen the below grade entrance and minimize visual impact on the streetscape in a manner satisfactory to the Director of Development Services; and
 4. 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 D- Special Section 2434 (R2D-2434)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and the flankage lot line;
2. To permit an exterior side yard setback of 1.91 metres (6.27 ft.) to a below grade entrance whereas the by-law requires 3 metres (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 Density Residential' in the Bramwest Secondary Plan (Area 40d). 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 applicant provided a revised site plan (Appendix A), which depicts that the entrance will be screened from the streetscape through the planting of vegetation. The proposed below grade entrance will be constructed along the southern wall of the detached dwelling, which is located at the southeast corner of Brushwood Drive and Quinton Ridge. The proposed below grade entrance is not considered to negatively impact the overall streetscape as it will be screened by the implementation of landscaping and will therefore limit the visual impact.

Variance 2 is requested to permit a reduced exterior side yard setback of 1.91 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 continuous 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

Variations 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 community as Staff have worked with the applicant and recommend that approval of the below grade entrance be based on the revised concept plan (Appendix A) provided by the applicant, showcasing that both the stairway and entrance will be screened with shrubs/ vegetation. It is not requested that an additional fence be added to this side of the property as this will form one large fence leading to the backyard which will be visible to all community members. 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 sitting of the property. Subject to the recommended condition of approval, Variations 1 and 2 are considered desirable for the appropriate development of the land.

4. Minor in Nature

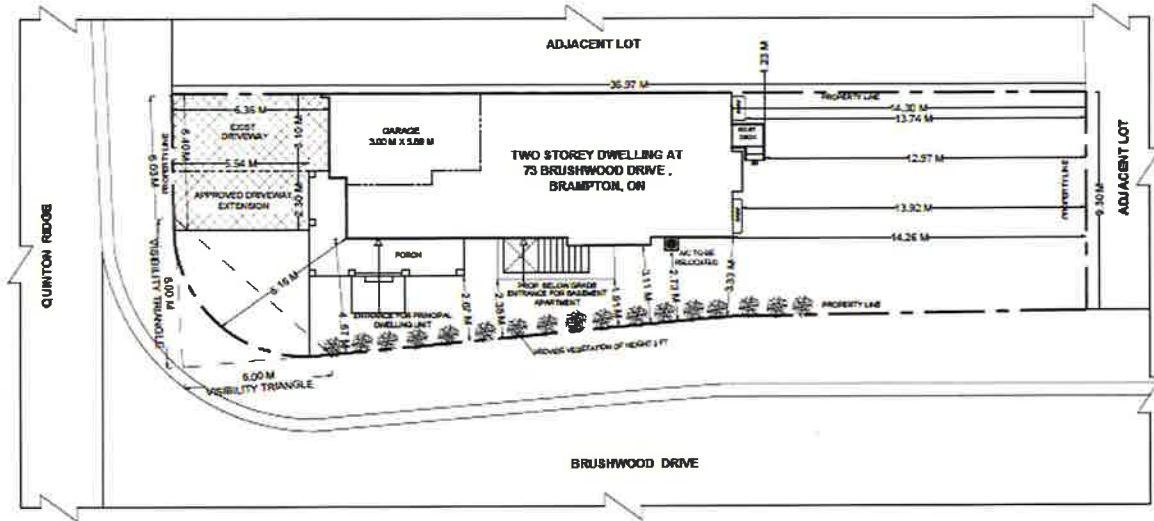
Variations 1 and 2 are requested to permit a below grade entrance to be located between the main wall of the dwelling and the front of a flankage lot line which will encroach into the exterior side yard setback. Given that the below grade entrance will be screened behind shrubs/vegetation that will be 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, Variations 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:



Appendix B:

