



Report Committee of Adjustment

Filing Date: May 3, 2023
Hearing Date: May 30, 2023

File: A-2023-0140

**Owner/
Applicant:** Piratheeban Pathmanathan & Vathsala Sinnarajah/
Blue Prints Permit (Malav Shah)

Address: 2 Dulverton Dr

Ward: 6

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0140 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 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;
 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 Single Detached D – Special Section 2014 (R1D-2014)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall and flankage lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Fletchers Meadow Secondary Plan (Area 44). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The applicant is requesting approval of a variance relating to a proposed below grade entrance between the main wall of the dwelling and the flankage lot line whereas the by-law does not permit a below grade entrance between the main wall and the flankage lot line. The intent of the by-law in not allowing below grade entrances between the main wall of the dwelling and a flankage lot line is to ensure appropriate separation between the building and lot lines and that there is adequate room available to allow for drainage and access to the rear yard.

The single detached dwelling is located at the corner of Salvation Road and Dulverton Drive. The proposed below grade entrance will be accessed by a staircase located along the northeast wall of the dwelling. 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 will be maintained. The applicant is also proposing to implement the planting of vegetation in a manner which would screen the below grade entrance as depicted in revised concept provided (Appendix B). A condition of approval is recommended 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. An additional condition is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting a variance to facilitate the construction of a proposed below grade entrance between a main wall of the dwelling and a flankage lot line. The configuration of the entrance contemplates a below grade entrance accessed by a staircase along the northeast wall of the property. 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 via vegetation as shown in the site plan attached and Appendix B. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and location of the dwelling on a corner lot. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

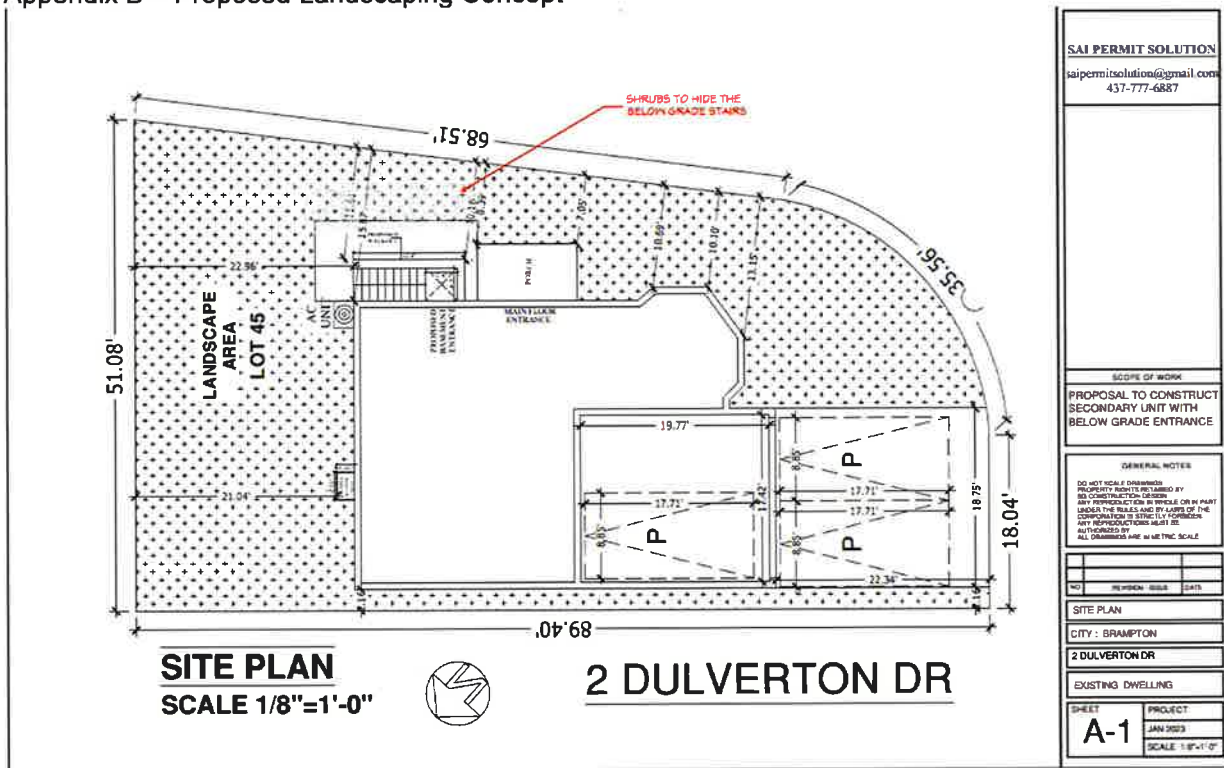
Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos



Appendix B – Proposed Landscaping Concept





SHRUBS HIDING
THE BELOW GRADE
STAIRS

2 DULVERTON DR