



Report Committee of Adjustment

Filing Date: November 25, 2022

Hearing Date: January 3, 2022

File: A-2022-0380

**Owner/
Applicant:** KAMALJIT DULKU AND PREETI DULKU

Address: 8 LABRISH ROAD

Ward: WARD 6

Contact: Mohammed Jalabi, Assistant Development Planner

Recommendations:

That application A-2022-0380 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 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 Townhouse B (R3E)', 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 of the dwelling and the 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 40). The nature and extent of the proposed variance, subject to the recommended conditions of approval, 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 below-grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law does not permit below-grade entrances between the main wall of the dwelling 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 the flankage lot line is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

The proposed stairway leading to a below-grade entrance encroaching into the required exterior side yard is not considered to have a significant impact on drainage or access. The proposed below-grade entrance maintains adequate setbacks to side and rear yard lot lines and also provides a clear path of travel from the front yard to the rear yard. A condition of approval is recommended that the below-grade entrance shall not be used to access an unregistered second unit. The proposed variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit an existing stairway and below-grade entrance, situated between the main wall of a dwelling and the flankage lot line. The development is not considered to have a significant impact on drainage while also maintaining sufficient space for safe and easy access to the rear yard for emergency and everyday use. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land as they do not generate negative impacts on-site or off-site.

4. Minor in Nature

The requested variance for the construction of a below grade entrance will be located between the main wall of the dwelling and the flankage lot line however, the existing fence provides adequate screening from the street view, mitigating any negative visual impact. . Planning staff are of the opinion that the proposed variance is minor in nature. Subject

to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner