



Report Committee of Adjustment

Filing Date: November 21, 2022

Hearing Date: May 30, 2023

File: A-2022-0371

Owner/

Applicant: Masood Mohammed Fasiullah / Marwan Al-Farraji

Address: 14 Dublin Rd

Ward: 6

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2022-0371 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:

The property is a corner lot located along Dublin Road and Locomotive Crescent. A below grade entrance is proposed to be constructed between the main wall of the dwelling and the flankage lot line and incorporated into the existing covered porch.

The application was previously presented to the Committee of Adjustment on January 3, 2023 and March 28, 2023. The application was deferred to consider an alternate location for the below grade entrance. The applicant has provided a revised sketch depicting a new walk-up stair and entrance.

Existing Zoning:

The property is zoned 'Residential Single Detached (R1F)', 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 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;
2. To permit an exterior side yard setback of 2.72m (8.92 ft.) 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 as 'Residential' in the Official Plan and 'Low-Med Density' in the Mount Pleasant Secondary Plan (Area 51). The nature and extent of the proposed 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 requesting 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. The intent of the by-law in prohibiting below-grade entrances between the 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 aesthetic of the overall streetscape.

The subject property is a corner lot located at the intersection of Dublin Road and Locomotive Crescent. The location of proposed below-grade entrance is in a highly visible area. The below-grade entrance is proposed to be constructed on the southern wall of the dwelling, fronting Locomotive Crescent. The proposed below entrance is not anticipated to negatively impact the overall streetscape as it will be partially screened by the existing porch area. As depicted in the site plan, the location of the proposed below grade entrance will be incorporated within the front porch while maintaining an appropriate amount of amenity space in the porch. Furthermore, the configuration of the below grade entrance is not anticipated to pose a safety risk to those using the front porch area as it will only utilize a portion of the porch and the "L" shaped configuration allows for the continued use of the porch as an amenity area.

Variance 2 is requested to permit an exterior side yard setback of 2.72m (8.92 ft.) to a below grade entrance whereas the by-law requires a minimum exterior yard setback of 3.0m (9.84 ft.). The intent of the by-law in requiring a minimum exterior side yard is to ensure that sufficient space is provided to allow access to the rear yard. A sufficient continuous path of travel will be maintained. The City's Engineering Staff have also reviewed the proposed development and are satisfied as it does not negatively impact drainage on the subject property or abutting property.

Subject to the conditions of approval, Variances 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

Variances 1 and 2 are requested to permit a below grade entrance between the main wall of the dwelling and the flankage lot line which will encroach into the exterior side yard setback. Staff have worked with the applicant and recommend that the approval of the below grade entrance be based on the sketch attached to the application showing that the stairway and entrance will be screened by the existing porch area. The addition of the below grade entrance is not anticipated to interfere with the streetscape of the community. 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 recommended conditions, the proposed variances 1 and 2 are desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to facilitate the construction of a below grade entrance between the main wall of a dwelling and the flankage lot line. Given that the below grade entrance will be adequately screened within the existing front porch, staff are satisfied that the streetscape will not be negatively impacted. Additionally, the below grade entrance is not considered to have a significant impact on drainage or limit access to the rear of the property. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician