

Filing Date: February 10, 2021

Hearing Date: March 9, 2021

File: A-2021-0031

Owner/

Applicant: HASSAN MURAD AND SHIFA MASOOD

Address: 33 Donomore Drive

Ward: 6

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0031 is not supportable.

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 Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard;
2. To permit a combined total width of 0.97m (3.18 ft.) for both interior side yards on an interior lot whereas the by-law requires a minimum of 1.8m (5.91 ft.) for the combined total width of the interior side yards on an interior lot.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated "Residential" in the Official Plan and "Medium Density Residential" in the Fletcher's Meadow Secondary Plan (Area 44). 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 of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Residential Single Detached D – Special Section 2014 (R1D-2014)" according to By-law 270-2004, as amended. The requested variances are intended to facilitate a below grade entrance in the interior side yard of the property.

Variance 1 is to permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard. Variance 2 is to permit a combined total width of 0.97m (3.18 ft.) for both interior side yards on an interior lot whereas the by-law requires a minimum of 1.8m (5.91 ft.) for the combined total width of the interior side yards on an interior lot.

The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum interior side yard setback is to ensure sufficient space is maintained for access to the rear yard. In the case of the subject property, the below grade entrance is proposed to be located within the only side yard that has a setback of at least 1.2m (3.94 ft) which is considered to be a sufficient setback to maintain access to the rear yard. The proposed location of the below grade entrance in the interior side yard is anticipated to negatively impact access to the rear yard.

The requested variances are not considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate a below grade entrance in the interior side yard of the property. Due to the orientation of the dwelling on the property, there is only one side yard which provides a sufficiently wide path of travel to access the rear yard, and the below grade entrance is proposed to be located in this side yard. Staff note that if the below grade entrance were to be located in the rear yard of the property, the entrance would comply with the Zoning By-law. The proposed location of the below grade entrance and reduced side yard setback are anticipated to negatively impact the provision of access to the rear yard for every day or emergency purposes. The requested variances are not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit a below grade entrance in the interior side yard are anticipated to negatively impact the provision of access to the rear yard. The requested variances are not considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I