

Filing Date: March 3, 2021

Hearing Date: March 30, 2021

File: A-2021-0047

**Owner/
Applicant:** **AKBARI HIREN ANIRUDHBHAI & ADIWAL MEENAKASHI / ELLA
AGRANOV**

Address: **146 Big Moe Crescent**

Ward: 10

Contact: Noel Cubacub, Assistant Development Planner

Recommendations:

That application A-2021-0047 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. That a building permit for below grade entrance shall be obtained within **60** days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That fencing having a maximum height of 2 metres shall be erected to screen the below grade entrance from view from Lucio Court to the satisfaction of the Director of Development Services;
 5. 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 Street Townhouse B (R3B) – Special Section 1665 (R2A-1665)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a below grade entrance to be located 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 existing accessory structure (shed) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in the exterior side yard.

Current Situation:**1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the Official Plan and 'Low / Medium Density Residential' in the Bram East Secondary Plan (Area 41). The Residential designation supports the current use and the variance is not expected to have any significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintain the general purpose and intent of the Official Plan.

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

The property is zoned "Residential Street Townhouse B (R3B) – Special Section 1665 (R2A-1665)" according to By-law 270-2004, as amended.

Variance 1 is requested to permit a below grade entrance to be located 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 a 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 overall streetscape. The below grade entrance will be, if appropriately screened is not anticipated to negatively impact the overall streetscape

A condition of approval is recommended that fencing having a maximum height of 2 metres shall be erected to screen the below grade entrance from view from Lucio Court to the satisfaction of the Director of Development Services so that no parts of the entrance will be visible from the public realm.

Variance 2 is requested to permit an existing accessory structure (shed) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in the exterior side yard. The intent of the by-law in prohibiting accessory structures in the exterior side yard is to ensure that the appearance of the structure does not negatively impact the overall streetscape. The existing shed maintains the zoning requirements for setbacks to the nearest lot line and is not anticipated to negatively impact the overall streetscape as it is sufficiently screened.

A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision to ensure that the location of the shed remains as presented within this application.

Subject to the recommended conditions of approval, the requested variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is intended to facilitate the construction of a below grade entrance to access the basement, potentially a second unit. Permitting a below grade entrance as well as an existing accessory structure is not anticipated to negatively impact the overall function of the property or those adjacent while also potentially providing affordable living options. A condition of approval is recommended that the below-grade entrance not be used to access an unregistered second unit.

Variance 2 is intended to allow for an existing accessory structure (shed) to remain existing in the exterior side yard. The shed is not anticipated to negatively affect the function of the property nor the adjacent municipal right of way as it maintains current zoning requirements relating to setback and is appropriately screened by an existing fence. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision to ensure that the location of the shed remains as presented within this application.

Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is to permit a below grade entrance abutting the municipal right of way. The addition of a below grade entrance is not anticipated to change the nature or function of the existing dwelling. Conditions of approval are recommended to ensure the entrance is not visible to the public and that it is not used to access an unregistered second unit which would not affect the neighbourhood nor the existing dwelling use.

Variance 2 is to permit an existing accessory structure (shed) in the exterior yard. The existing shed has remained in its location and has not affected the property nor the overall neighbourhood as it meets zoning setbacks to the lot lines and is screened from the neighbours.

The proposed variance is not anticipated to negatively impact the subject property or adjacent properties. The dwelling will continue to align with the character of the surrounding neighbourhood and the proposed below-grade entrance will not be visible from the public realm, subject to the recommended conditions of approval, and will not negatively impact the aesthetic quality of the property. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision to ensure that the location of the shed remains as presented within this application.

The requested variance, subject to the recommended conditions of approval, is minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Noel Cubacub', written over a horizontal line.

Noel Cubacub
Assistant Development Planner