

Filing Date: April 28, 2021

Hearing Date: June 1, 2021

File: A-2021-0105

**Owner/
Applicant:** **FAHAD MUNIR**

Address: **253 ROBERT PARKINSON DRIVE**

Ward: 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0105 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 Public Notice;
 2. That the below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties shall not be adversely affected;
 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 Townhouse E (R3E-5.5-2230)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an exterior stairway leading to a below grade entrance in the required interior side yard whereas the By-law does not permit exterior stairways constructed below established grade in the required interior side yard;

2. To permit an interior side yard setback of 0.10m (0.33 ft.) to an exterior stairway leading to a below grade entrance whereas the By-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit an existing accessory structure (shed) having a setback of 0.52m (1.70 ft.) to the side lot line whereas the By-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). The nature and extent of the proposed variances, 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 property is zoned 'Residential Townhouse E (R3E-5.5-2230)', *according to By-law 270-2004, as amended.*

Variances 1 a requested to permit a reduced interior side yard setback of 0.10 metres, whereas the By-law requires a minimum interior side yard of 1.2 metres. Variance 2 is to permit a below grade entrance within a required interior side yard, whereas stairways constructed below the established grade is not permitted within a required interior side yard. The intent of the By-law in requiring a minimum interior and exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The proposed configuration of the side yard entrance contemplates a below grade landing accessed by two riser steps on either side maintaining access to the rear yard. Despite the reduced interior side yard setback, the addition of the below grade entrance is not anticipated to negatively impact drainage and access to the rear yard. Subject to the recommended conditions of approval Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing accessory structure (shed) having a setback of 0.52m (1.70 ft.) to the side lot line whereas the By-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line. The intent of the By-law in requiring a minimum setback to the nearest lot line is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The setback of the existing accessory structure (shed), has an 8 centimetre (0.27 ft.) deficiency. The accessory structure is not considered to negatively impact drainage, access to the rear yard, and the provision of outdoor amenity space for the property. Variance 3 is 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 relate to a proposed below grade entrance within the interior side yard of the dwelling. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected and that the below grade entrance shall not be used to access an unregistered second unit to ensure that any second unit on the premises is in accordance with City By-laws and permit requirements. Subject to the recommended conditions of approval Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

Variance 3 relates to the setback of an existing accessory structure (shed) located in the rear yard. A condition of approval is recommended so that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

4. Minor in Nature

Variances 1 and 2 are requested to permit a proposed below grade entrance within the interior side yard of the dwelling. The reduced side yard setback and related below grade entrance are not anticipated to impact drainage for the property and access to the rear yard. Variance 3 is required to permit a reduced setback related to an existing shed in the rear yard. No negative impacts are anticipated in relation to the accessory structure. The requested variances, subject to the recommended conditions of approval, are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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