

Filing Date: April 30, 2021

Hearing Date: June 1, 2021

File: A-2021-0107

**Owner/
Applicant:** **NICOLE JOLY**

Address: **19 ENCLAVE TRAIL**

Ward: 9

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0107 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 roof drainage from the accessory structure shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
 3. That the proposed covered patio be of a primarily open style construction and shall not be fully enclosed;
 4. That the accessory building (covered patio) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory buildings shall be limited to the provision of one washroom and one bar sink; and
 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 Townhouse E (R3E-7-2370)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed accessory structure in the exterior side yard whereas the by-law does not permit an accessory structure in the exterior side yard.

Current Situation:

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

The property is designated "Residential" in the Official Plan and "Low Density Residential" in the Countryside Villages Secondary Plan (Area 48b). The requested variance is not considered to have significant impacts within the context of the Official Plan. Subject to the recommended conditions of approval, the requested variance is considered to 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-7-2370)', according to By-law 270-2004, as amended.

The requested variance is to permit an accessory structure (covered patio) in the exterior side yard, whereas the By-law does not permit accessory structures 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 semi-detached townhouse is situated on a corner lot and the accessory structure (covered patio) is proposed to be located in the rear yard of the property. Due to the configuration of the corner lot, the proposed accessory structure is subject to the side yard requirements of the Zoning By-law.

Conditions of approval are recommended that the accessory structure (covered patio) be of a primarily open style construction and shall not be fully enclosed, that the drainage from the roof of the accessory structures shall flow onto the applicant's property and that drainage on adjacent properties shall not be impacted, that the accessory building (covered patio) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory buildings shall be limited to the provision of one washroom and one bar sink.

Subject to the recommended conditions of approval, the requested 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 proposed location of the accessory structure (covered patio) in the exterior side yard is not anticipated to pose adverse impacts to the streetscape or adjacent properties. The accessory structure is of appropriate height and is adequately setback from both the rear and exterior property lines. The requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to permit an accessory structure (covered patio) in the exterior side yard is not anticipated to pose any significant impacts. Subject to the recommended conditions of approval, the requested variance is minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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