



Report Committee of Adjustment

Filing Date: July 6, 2021
Hearing Date: August 3, 2021
File: A-2021-0154
**Owner/
Applicant:** ALI PARSAIE & SARAH PARSAIE
Address: 7830 Churchville Road
Ward: WARD 6
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0154 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 (shed/chicken coop) shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
 3. That the accessory structure (shed/chicken coop) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of one washroom, shower, and sink; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The applicant has applied for a Minor Variance to facilitate the construction of a 25.75 sq. m (277.17 sq. ft.) shed/chicken coop on the property. The location of the proposed accessory structure does not comply under the Zoning By-law and is the subject of the requested variance.

Existing Zoning:

The property is zoned 'Residential Hamlet Two (RHM2)' and 'Floodplain (F)', *according to By-law 270-2004, as amended.*

Requested Variance:

The applicant is requesting the following variance:

1. To permit an accessory structure (shed/chicken coop) to be located in the front half of the interior side yard with a setback of 1.2m (3.94 ft.) from the interior side lot line whereas the by-law requires that an accessory structure located in the interior side yard shall not encroach into the minimum required 7.5m (24.60 ft.) side yard setback and that the accessory structure shall not be located closer to the front wall of the main dwelling than one-half (1/2) the length of the main building wall facing the interior lot line.

Current Situation:

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

The property is designated 'Village Residential' and 'Open Space' in the Official Plan and 'Low/Medium Density' in the Bram West Secondary Plan (Area 40c). It is also noted that the subject property is situated in the Churchville Heritage Conservation District (CHCD). The requested variance is not considered to have significant impacts within the context of the Official Plan policies and poses no concerns from the perspective of heritage conservation. 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 variance is requested to permit an accessory structure (shed/chicken coop) to be located in the front half of the interior side yard with a setback of 1.2m (3.94 ft.) from the interior side lot line whereas the by-law requires that an accessory structure located in the interior side yard shall not encroach into the minimum required 7.5m (24.60 ft.) side yard setback and that the accessory structure shall not be located closer to the front wall of the main dwelling than one-half (1/2) the length of the main building wall facing the interior lot line. The intent of the by-law in regulating the location of an accessory structure is to ensure that a structure is positioned appropriately with respect to the main dwelling on the property.

The proposed accessory structure complies with the Zoning By-law in terms of its size and height. The subject property is irregular in shape and is accessed by a long driveway fronting on Churchville Road. Due to the irregular shape of the lot, the location of the shed/chicken coop is subject to the regulations of the Zoning By-law which prevent the structure from being built in the front half of the interior side yard of the property. Planning staff have reviewed the requested variance, which is technical in nature, and does not anticipate negative impacts deriving from the proposed location of the accessory structure. Subject to the recommended conditions of approval, the 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 requested variance relates to the proposed location of an accessory structure on a residential property. The irregular shape of the property prevents the proposed location of the accessory structure from complying with the Zoning By-law. No negative on-site or off-site impacts are anticipated resulting from the location of the accessory structure. Conditions of approval are recommended so that roof drainage from the accessory structure (shed/chicken coop) shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted and that the accessory structure (shed/chicken coop) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of one washroom, shower, and sink.

4. Minor in Nature

The subject property is located on an irregular shaped residential lot. Considering the size of the property and its shape, the proposed accessory structure will not detract from access to outdoor amenities or create negative visual massing impacts on surrounding properties. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I