

Filing Date: September 27, 2021

Hearing Date: October 26, 2021

File: A-2021-0228

**Owner/
Applicant:** ANIT & ANURADHA MUKHOPADHYAY

Address: 35 Kershaw St

Ward: 6

Contact: Noel Cubacub, Planner I

Recommendations:

That application A-2021-0228 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 the applicant obtain a building permit for the accessory structure (proposed gazebo) within 60 (sixty) 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned "Residential Single Detached D (R1D) – Special Section 985 (R1D-985)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (proposed gazebo) having a gross floor area of 17.84 sq. m (192 sq. ft.) whereas the by-law permits a maximum gross floor area

of 15 sq. m (161.46 sq. ft.);

2. To permit 2 accessory structures (proposed gazebo and existing shed) having a combined gross floor area of 25.66 sq. m (276.20 sq. ft.) whereas the by-law permits a maximum combined area of 20 sq. m (215.28 sq. ft.) for 2 accessory structures;
3. 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; and
4. To permit an existing accessory structure (shed) having a setback of 0.35m (1.15 ft.) to the rear and exterior side lot lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and "Low/Medium Density" in the Fletcher's Meadow Secondary Plan (Area 44). 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 variances, subject to the recommended conditions of approval, maintain the general purpose and intent of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned "Residential Single Detached D (R1D) – Special Section 985 (R1D-985)" according to By-law 270-2004, as amended.

Variance 1 is requested to permit an accessory structure (proposed gazebo) having a gross floor area of 17.84 sq. m (192 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure. In addition, Variance 2 is requested to permit 2 accessory structures (proposed gazebo and existing shed) having a combined gross floor area of 25.66 sq. m (276.20 sq. ft.) whereas the by-law permits a maximum combined area of 20 sq. m (215.28 sq. ft.) for 2 accessory structures. The intent of the by-law in requiring a maximum gross floor area for accessory structures is to ensure that adequate amenity space is provided in the rear yard, that the accessory structure will not obstruct the usability of the yard.

A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Public Notice so as to not dominate the rear yard amenity space and not obstruct the usability of the yard.

Variance 3 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 shed is mostly screened from the street by the privacy fence and existing mature trees on the property and does not therefore negatively impact the overall streetscape.

A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Public Notice so as to not further increase visibility of the shed.

Variance 4 is requested to permit an existing accessory structure (shed) having a setback of 0.35m (1.15 ft.) to the rear and exterior side lot lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines.

A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Public Notice so as to not further decrease the setbacks to the lot lines as they relate to the shed.

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

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate an accessory structure (proposed gazebo) having a gross floor area of 17.84 sq. m (192 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.); as well as an existing shed in the exterior yard that did not comply with the required setbacks. A condition of approval is recommended that the applicant obtain a building permit for the accessory structure (proposed gazebo) within sixty (60) days of the final date of the Committee's decision in order to address potential concerns related to massing and impacts on adjacent properties.

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

The proposed variances are not anticipated to negatively impact the subject property or adjacent properties. The dwelling will continue to align with the character of the surrounding neighbourhood. The proposed accessory structure (proposed gazebo) and existing shed, subject to the recommended conditions of approval, are not anticipated to negatively impact the aesthetic quality of the property or adjacent properties.

Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Noel Cubacub', written in a cursive style.

Noel Cubacub
Planner I