



Report Committee of Adjustment

Filing Date: June 6, 2022

Hearing Date: July 12, 2022

File: A-2022-0185

**Owner/
Applicant:** MANTHAN SHUKLA AND MUDRA THAKAR

Address: 65 Benhurst Crescent

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2022-0185 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision; and
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant is proposing to construct an accessory structure (proposed gazebo) in the exterior side yard of a corner lot property. A variance is requested to permit the location of the gazebo.

Existing Zoning:

The property is zoned 'Residential Townhouse E-5.5 (R3E-5.5-2217)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an accessory structure (gazebo) to be located 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/Medium Density' in the Mount Pleasant Secondary Plan (Area 51). The requested variance has no impact within the context of the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

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

A variance is requested to permit an accessory structure (gazebo) to be located in the exterior side yard whereas the by-law does not permit an accessory structure 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 applicant is proposing to install an 11.14 sq. m (119.90 sq. ft.) gazebo in the exterior side yard of the corner lot property. The accessory structure will be appropriately setback from the property lines and is not anticipated to negatively impact the overall streetscape given that screening is provided via an existing fence. The variance is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit the location of a proposed gazebo in the exterior side yard of the corner lot property. There is an existing fence enclosing the backyard which will adequately screen the structure from the street. The requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to permit the location of a proposed gazebo in the exterior side yard. Given that the proposed structure will be screened behind a fence, staff are satisfied that the streetscape will not be negatively impacted. Subject to the recommended conditions of approval, the requested variance are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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