



Report Committee of Adjustment

Filing Date: June 13, 2022

Hearing Date: July 12, 2022

File: A-2022-0194

**Owner/
Applicant:** ADEOLA ADEYINKA OLOMOLA

Address: 26 Haymarket Drive

Ward: Ward 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2022-0194 be refused.

Background:

The subject property is a back-to-back townhouse end unit located on Haymarket Drive. The applicant is requesting a variance to permit a second dwelling unit within the existing back-to-back townhouse.

Existing Zoning:

The property is zoned 'Residential Townhouse E-6 (R3E-6-2562)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a two unit dwelling in a back-to-back townhouse whereas the by-law does defines a two unit dwelling as a single detached, semi-detached or townhouse dwelling which contains a second unit.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density' in the Mount Pleasant Secondary Plan (Area 51).

Existing second unit policies are based on residential buildings limited to single detached, semi-detached or townhouse dwellings. Section 3.2.8.2 of the Official Plan states that second units shall only be permitted within single detached dwellings, semi-detached dwellings and townhouses provided they are in accordance with the Zoning By-Law. The variance is requesting permission for a second dwelling unit within a back-to-back townhouse which is a separate dwelling typology than a standalone townhouse. A back-to-back townhouse dwelling is not a dwelling type that allows the addition of a second unit as identified in the respective section of the Zoning By-law. The second unit use in a back-to-back townhouse context is not contemplated or identified in the Official Plan or Secondary Plan.

Furthermore, the City's approach to second units are based on the *Planning Act* policies for additional residential units. Section 16 (3) of the *Planning Act* states that an official plan shall contain policies that authorize the use of additional residential units by authorizing, (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

The requested variance to allow a second dwelling unit within a back-to-back townhouse is not considered within the Official Plan policies. Therefore, the variance does not 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 a two unit dwelling in a back-to-back townhouse whereas the by-law does defines a two unit dwelling as a single detached, semi-detached or townhouse dwelling which contains a second unit. The intent of the by-law in prohibiting second dwelling units within a back-to-back townhouse is to limit the number of dwellings contained within a particular housing typology to maintain the intended residential density.

The Zoning By-law only permits a second unit in a single detached, semi-detached or townhouse dwelling. The Special Section 2562 for this property restricts the permitted uses on the property to a back-to-back townhouse dwelling. The parent R3E Zoning By-law designation allows a street townhouse dwelling, a Supportive Housing Residence Type 1, a place of worship, and purposes accessory to the other permitted purposes. The townhouse blocks within this development were planned to only accommodate one dwelling unit per property. The owner is proposing to convert the basement of the dwelling and a portion of the main floor to accommodate the second residential unit. Allowing a second residential unit within the back-to-back townhouse is not considered to maintain the intended residential density planned for a single back-to-back townhouse unit. The variance is not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to facilitate the conversion of the dwelling's basement and a portion of the main floor to accommodate the second residential unit. In order to register a second dwelling unit and ensure compliance with the Building Code, the owner would be required to construct a separate side entrance and modify basement windows. The subject property is located within a recently constructed subdivision which has not yet been assumed by the City. Until the subdivision is assumed, the developer is responsible for ensuring that ongoing requirements of the subdivision under maintenance

be respected. Physical alterations to the exterior of the building such as a new side entrance and enlarged windows could impact the requirements or the structural integrity of the building for which the developer is currently responsible until the subdivision is assumed. As such, the variance is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The addition of a second dwelling unit in the back-to-back townhouse is not contemplated in the Official Plan and Zoning By-law. Furthermore, the property is located within a subdivision which has not yet been assumed by the City. The builder continues to be responsible for ensuring the maintenance of the subdivision and all associated requirements including those related to the building itself. The back-to-back townhouse development was not constructed or planned to accommodate increased density by way of second dwelling units. The requested variance is not considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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