



Report Committee of Adjustment

Filing Date: November 8th 2022

Hearing Date: December 6th 2022

File: A-2022-0357

Owner/

Applicant: FARZIN HAKIMI LOTFABAD / KAMRAN REZVANI

Address: 259 Robert Parkinson Drive

Ward: WARD 6

Contact: Chinoye Sunny, Planner I

Recommendations:

That application A-2022-0357 is supportable, subject to the following conditions being imposed:

1. That the Owner/Applicant shall obtain a Building Permit for the existing gazebo within 60 days of the decision of approval;
2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The Applicant is requesting three (3) Minor Variances to permit a below grade entrance, a reduced side yard setback, and an increased gross floor area for an existing gazebo.

Existing Zoning:

The property is zoned 'Residential Semi-Detached E-x (R2E-7.2-2229)' as per to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance within a required interior side yard;
2. To permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.3m (3.94 ft.); and
3. To permit an accessory structure (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.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and is further designated 'Medium Density' in the Mount Pleasant Secondary Plan (Area 51). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are 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 Semi-Detached E-x (R2E-7.2-2229)' as per to By-law 270-2004, as amended.

Variance 1 and 2 is requesting to permit a below grade entrance within a required interior side yard whereas the by-law does not permit a below grade entrance within a required interior side yard and to permit an interior side yard setback of 0.0m to a below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.3m (3.94 ft.). The intent of the by-law in prohibiting below grade entrances in the interior side yard where the opposite side yard setback is less than 1.2m (3.94 ft.) is to ensure that there is sufficient space is maintained to access the rear yard of the property and there is no adverse impact to the drainage along the property line.

The proposed below grade entrance will be accessed by a staircase located along the northeast wall of the dwelling. The proposed below grade entrance is not anticipated to limit access to the rear yard. Although the interior side yard setback is reduced to 0.0m, a staircase will connect to the front and rear of the below grade entrance landing, maintaining access to the rear and front yard. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requesting to permit an accessory structure (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.). The intent of the by-law in regulating the maximum permitted floor area of an accessory structure is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property. The proposed variance is for an existing gazebo at the rear of the property. Although the gazebo is larger than the permitted by-law provision, it is adequately located within the

appropriate setbacks for the lot and does not impact neighbouring lots. As such, 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 Variances requested are to permit a below grade entrance, a reduced side yard setback of 0.0m to a below grade entrance, and to permit an existing gazebo. The configuration of the entrance contemplated a below grade entrance accessed by a staircase along the northeast wall of the dwelling. Staff do not anticipate any negative impacts to drainage or access to the front yard or rear yard of the property and consider the location of the below grade entrance appropriate given the site context. Although the gross floor area of the existing gazebo, is greater than the maximum requirement within the Zoning By-law, it does not pose negative impacts on the property. Subject to the recommended conditions of approval, the variances are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are to permit a below grade entrance, a reduced side yard setback of 0.0m to a below grade entrance, and to permit an existing gazebo. The requested variances are not considered to impact access to the rear yard and side yard or drainage on adjacent properties. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,



Chinoye Sunny, Planner I