



Report Committee of Adjustment

Filing Date: April 11th, 2023

Hearing Date: May 9th, 2023

File: A-2023-0098

**Owner/
Applicant:** MOINUDDIN SYED AND MOSHISINA MOIN

Address: 28 MONTPELIER STREET

Ward: WARD 6

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0098 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached D-7.5 Zone Special Section 2419 – (R2D-2419)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line, whereas the by-law does not permit below grade entrances between the main wall of the dwelling and the flankage lot line; and
2. To permit an exterior side yard setback of 1.76m (5.77 ft) to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft).

Current Situation:

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

The property is designated 'Business Corridor' in the Official Plan and further designated 'Low / Medium Density Residential' in the Bram West Secondary Plan (Area 40d). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. 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

Variance 1 seeks to permit a proposed below grade entrance between the main wall of a dwelling and the flankage lot line, whereas the by-law does not permit below grade entrances between the main wall of the dwelling and the flankage lot line. The intent of the by-law in prohibiting below grade entrances between a main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape.

Variance 2 seeks to permit an exterior side yard setback of 1.76m (5.77 ft) to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft). The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The below grade entrance is proposed to be constructed abutting the existing front porch / main entrance along the northern wall of the dwelling facing Montpelier Street. The subject property is a corner lot located at the intersection of Montpelier Street and Edinburgh Drive. The location of the proposed below grade entrance consisting of 2 riser steps leading to a landing and entrance is considered to be a highly visible area of the property and neighborhood at large. While the construction of a below grade entrance in the identified location is not expected to generate impacts with respect to drainage or limit access to the rear yard, it is anticipated to negatively impact the aesthetics of the overall streetscape and undermine the architectural articulation and careful detailing of the front façade. Typically, a form of fence screening can attempt to protect the below grade entrance from the public realm, which has been provided as per the submitted site plan by the applicant. However, due to the location of the proposed below grade entrance, the proposed fence screening is not appropriate in size. Furthermore, the proposed screening also obstructs the adjacent intersection and further impacts the visual aesthetics of the streetscape.

As such, the requested variances are not 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 seeks to facilitate the construction of a new below grade entrance between the main wall of a dwelling and the flankage lot line with reduced exterior side yard setbacks. According to Chapter 7 of the City's Development Guidelines (DDGs), a document intended to guide future community development from the principles of good urban design, corner lot dwellings play a significant role in setting the image, character, and quality of a street and act as landmark buildings within the neighborhood. Moreover, housing at corner lots have increased importance due to wide visibility from both streets. As such, the construction of a below grade entrance in the identified location would essentially detract from the intended image, character, and aesthetic quality of the streetscape.

Therefore, the requested variances are not considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances seek to permit the construction of a new below grade entrance between the main wall of a dwelling and the flankage lot line with reduced exterior side yard setbacks. As per staff conducted site visit and review of the submitted site plan, staff are of the opinion that the proposed below grade entrance would ultimately detract from the desired and intended aesthetics of the overall streetscape due to the highly visible area of the property and neighborhood at large. Furthermore, the proposed screening also obstructs the adjacent intersection and further impacts the visual aesthetics of the streetscape.

As such, the requested variances are not considered to be minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Site Visit Photos:

