



## Report Committee of Adjustment

**Filing Date:** May 2, 2023  
**Hearing Date:** May 30, 2023

**File:** A-2023-0133

**Owner/  
Applicant:** Sukhwinder Samra and Narinder Paul Kaur / MEM Engineering

**Address:** 34 Dutch Crescent

**Ward:** 4

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2023-0133 is supportable in part, 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;
  2. That the owner obtain a building permit for the above grade entrance within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
  3. That the existing above grade entrance located on the east side of the property shall not be used to access a registered or unregistered second dwelling unit;
  4. That variance 2 to permit a driveway width of 9.41m (30.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.) be refused;
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Street Townhouse B – Special Section 2648 (R3B – 2648)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing above grade entrance in a side yard having a minimum width of 0.6m (1.97 ft.) (at the fireplace encroachment) extending from the front wall of the dwelling up to and including the door whereas the by-law permits an above grade side entrance when the side yard within which the door is located has a minimum width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a driveway width of 9.41m (30.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

**Current Situation:**

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

The property is designated as 'Residential' in the Official Plan and 'Low and Medium Density' in the Fletchers Creek South Secondary Plan (Area 24). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan. Subject to the recommended conditions of approval, the 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

Variance 1 is requested to permit an existing above grade entrance in a side yard having a minimum width of 0.6m (1.97 ft.) (at the fireplace encroachment) extending from the front wall of the dwelling up to and including the door whereas the by-law permits an above grade side entrance when the side yard within which the door is located has a minimum width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum 1.2m (3.94 ft.) width between the front wall of the dwelling up to and including the door is to ensure that there is sufficient space is provided to allow for drainage, path of travel, and access to the rear yard.

The subject property is an end unit of a row of attached dwellings. The existing above grade door is located on the east side of the dwelling, behind the attached garage. In relation to variance 1, the applicant/owner have advised that the existing above grade side door will not be used as a primary access to a second unit. The reduced side yard setback is not considered to significantly impact access to the entrance located at the side of the dwelling. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a driveway width of 9.41m (30.87 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow excessive number of vehicles to be parked in front of the dwelling.

The total existing driveway width is approximately 2.7m (8.87 ft.) wider than what the by-law permits. The driveway features a curved design which widens at the front of the dwelling. Current existing site

conditions showcase the property dominated by hardscaping, thus allowing an excessive number of cars to be parked in front of the dwelling (see Appendix A). Furthermore, upon staff visit, a vehicle was parked in the widened area. The existing configuration of the driveway occupies the majority of the property's front yard resulting in a negative impact to the streetscape and curb appeal. The variance is not considered to maintain the general intent of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a reduced interior side yard setback to an existing above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. A condition of approval is recommended that the entrance to the dwelling is not used for a second unit dwelling. A further condition of approval is recommended that the owner shall obtain a building permit for the side door within 60 days of the decision of approval or as extended by the Chief Building Official. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit an existing driveway width which exceeds the requirements of the zoning by-law. The widened driveway facilitates the parking of an additional vehicle beyond the front entrance of the dwelling and is considered to negatively impact the streetscape due to a substantial loss of permeable landscaping. Variance 2 for the extended driveway is not considered desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1 requested to permit an existing above grade entrance with a reduced side yard setback is not considered to have significant impact on drainage or limit access to the property. As such, the requested variance is deemed minor in nature. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

In relation to variance 2, requested to allow an existing driveway width contributes to an increased driveway area that facilitates the parking of an additional vehicle in front and beyond the dwellings main entrance. The requested variance is not considered to be minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos

