



Report Committee of Adjustment

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

File: A-2023-0134

**Owner/
Applicant:** Mangat Daler / MEM Engineering Inc. - Harjinder Singh

Address: 8 Oak Gardens Court

Ward: 9

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0134 is supportable in part, subject to the following conditions being imposed:

1. That the extent of variances 1 and 2 be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the below grade entrance shall not be used to access an unregistered second dwelling unit;
 3. That the drainage on adjacent properties shall not be adversely affected;
 4. That variance 3 to maximum driveway width of 6.76m whereas a maximum driveway width of 4.9m is permitted be refused;
 5. That variance 4 to permit a reduced permeable landscaping strip abutting a property line of 0.12m whereas a minimum 0.6m permeable landscaping abutting a property line is required be refused;
 6. 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 Semi-Detached C – Special Section 1119 (R2C-1119)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a deck to encroach into a required interior side yard resulting in a reduced interior side yard setback of 0.35m (1.15 ft.) whereas a minimum interior side yard setback of 0.9m (2.95 ft.) to a deck landing is required;
2. To permit an above grade side door and associated landing measuring 0.9m (2.95 ft.) above established grade to serve as a principal entrance for a second unit whereas the by-law permits a principal entrance to a second unit to be accessed by a landing less than 0.6m (1.97 ft.) above the ground level;
3. To permit a maximum driveway width of 6.78m (22.24 ft.) whereas a maximum driveway width of 4.9m (16 ft.) is permitted;
4. To permit 0.12m (0.40 ft.) of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

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 Residential' in the Springdale Secondary Plan (Area 2). Variances 1 and 2 have no impact within the context of the Official Plan. The general purpose and intent of the Official Plan is maintained.

In relation to Variances 3 and 4, the objectives of the Official Plan as per Section 4.2.7 (Residential Design) is to avoid excessive parking of vehicles in the front yard on driveways and to promote a realistic driveway design that is complimentary to the house and lot size. The widened driveway is capable of allowing excessive parking in the front yard and is not considered a realistic design relative to the house and lot size. Variances 3 and 4 is not 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 a deck to encroach into a required interior side yard resulting in a reduced interior side yard setback of 0.35m whereas a minimum interior side yard setback of 0.9m to a deck landing is required. Variance 2 is requested to permit an above grade side door and associated landing measuring 0.9m above established grade to serve as a principal entrance for a second unit whereas the by-law permits a principal entrance to a second unit to be accessed by a landing less than 0.6m above the ground level. The intent of the by-law in requiring a minimum setback to any stairs or

landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained and sufficient space is provided for drainage.

The variances are requested to facilitate the construction of a landing serving a principle entrance to a second unit. In this instance, the deck in the interior side yard is proposed to function as a landing and stairs to as the principal entrance to a second unit. The proposed interior side yard setback reduction is not anticipated to impact drainage for the subject property or adjacent property. The increase in landing height by approximately 0.3m (0.98 ft.) is proposed to be configured by a wooden structure with three riser steps up and down is not considered to limit access to the rear yard. Subject to the recommended conditions of approval, the variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a maximum driveway width of 6.78m whereas a maximum driveway width of 4.9m is permitted. Variance 4 is requested to permit a reduced permeable landscaping strip abutting a property line of 0.12m whereas a minimum 0.6m permeable landscaping abutting a property line is required. The intent of the by-law in regulating the maximum permitted driveway width and in requiring minimum permeable landscaping is to allow for drainage, that the front hard is not dominated by hardscaping, and that the driveway does not allow for an excessive number of vehicles to be parked in the front of the dwelling.

Currently, the front yard presents an abundance of hardscape surface with concrete and a vehicle is capable of parking in front of the main entrance of the dwelling. The property is a semi-detached dwelling with a single car garage which allows for the parking of approximately one (1) vehicle in the garage and accommodates additional parking opportunities in the permitted driveway width of 4.9m. The requested driveway width of 6.78m, in combination with the reduced permeable landscaping strip of 0.12m along the side property line, generates a site condition where an excessive number of vehicles can dominate the frontage along the streetscape, and does not meet the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a deck to encroach into a required interior side yard resulting in a reduced interior side yard setback. The reduction is approximately 0.25m (0.82 ft.) than the by-law permits. Variance 2 is requested to permit a proposed above grade side door and associated landing serving the principle entrance to a second unit. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

Variances 3 and 4 are requested to permit an increased driveway width and reduced permeable landscape strip which presents a substantial amount of hardscaping in front of the property. The existing driveway is approximately 1.88m (6.16 ft.) greater than the by-law permits and the permeable landscape strip has been reduced by 0.48m (1.57 ft.) than what the by-law permits. The widened portion of the driveway, which is located in the front of the main entrance has the ability to be parked on by part or whole of a motor vehicle. Variances 3 and 4 have a negative impact on the streetscape which is not considered to be appropriate for the development of the land.

4. Minor in Nature

Variations 1 and 2 are requested to facilitate a proposed encroachment to a deck and landing serving a below grade entrance within the interior side yard of a semi-detached dwelling. The reduced interior side yard setback below grade entrance are not anticipated to impact drainage for the property and access to the rear yard. Subject to the recommended conditions of approval, variations 1 and 2 are minor in nature.

Variations 3 and 4 are requested to permit an existing widened driveway extension which is not considered minor in nature and will have negative impacts on the overall streetscape.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix 1 – Site Visit

