



Report Committee of Adjustment

Filing Date: January 19th, 2024
Hearing Date: February 20th, 2024

File: A-2024-0002
**Owner/
Applicant:** DHARMENDRA & MANISHA PATEL / PAVNEET KAUR

Address: 19 EDUCATION ROAD

Ward: WARD 10

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0002 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That drainage on adjacent properties is not adversely affected;
 3. Drainage from the existing shed roof must flow onto the applicant's property;
 4. That the permission for a maximum driveway width of 6.73m be limited to the portion of the driveway located on the subject property and the driveway shall not be widened on municipal property;
 5. That the owner reinstate the driveway in accordance with the sketch attached to the Notice of Decision; and
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached (R1B)' according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a driveway width of 6.73m whereas the by-law permits a maximum driveway width of 6.71m.
2. To permit an interior side yard setback of 0.2m to a proposed accessory structure (shed) whereas the by-law requires a minimum interior side yard setback of 0.6m.

Current Situation:

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

The subject property is designated as 'Residential' in the Official Plan and 'Low/Medium Density' within the Bram East Secondary Plan (Area 41). The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan and maintains 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 constructed driveway width of 6.73 metres, whereas the by-law permits a maximum driveway width of 6.71 metres. The intent of the by-law in regulating the driveway width is to ensure that the driveway does not dominate the front yard landscaped area and/or allow for an excessive number of vehicles to be parked in front of the dwelling. The intent also seeks to ensure that sufficient space is provided for drainage while making sure that drainage on adjacent properties are not impacted.

The widened portion of the existing driveway is not considered to significantly impact drainage or contribute to a substantial loss of landscaped open space on the property. Subsequently the proposal to re-establish permeable landscaping around the tree will contribute to the provision of sufficient drainage on the property. Furthermore, following a site visit, staff are of the opinion that the current layout of the driveway does not allow an excessive number of cars to be parked in front of the dwelling nor are staff of the opinion that the widening negatively impacts drainage on adjacent properties.

Variance 2 seek to permit an interior side yard setback of 0.2m to a proposed accessory structure (shed) whereas the by-law requires a minimum interior side yard setback of 0.6m. The intent of the by-law in requiring a minimum setback to an accessory structure is to ensure that sufficient space is provided for drainage and access for maintenance. Engineering staff have reviewed the application and do not have concerns regarding the location of the existing accessory structure and no negative impacts are anticipated in respect to drainage on site.

Conditions of approval have been added to ensure that the intent of the Zoning By-law are maintained. Subject to these recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 and 2 are requested to bring existing site conditions into conformity with the Zoning By-law requirements. Given adjacent permeable surfaces, and the inability for an excessive number of cars to be parked in front of the dwelling, variance 1 is not considered to have negative impacts to the property or adjacent properties. A condition of approval is recommended that the owner reinstate the driveway in accordance with the sketch attached to the Notice of Decision. Similarly, variance 2 requests to permit a reduced 0.2m to a proposed accessory structure (shed) whereas the by-law requires a minimum interior side yard setback of 0.6m, which would allow for additional storage on the property. There are no anticipated negative impacts associated to the accessory structure given its' scale. Conditions mitigating any negative impacts on neighbouring sites are recommended.

Subject to the recommended conditions of approval, the variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance to allow a 0.02m increase in driveway width is not considered to create or facilitate any negative impacts. A sufficient amount of open landscaping is retained on the property allowing for adequate drainage. Additionally sufficient space is provided for drainage and access for maintenance surrounding the existing shed despite a reduced setback.

Subject to the recommended conditions of approval, the variance is deemed minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A:



Appendix B:

