



## Report Committee of Adjustment

**Filing Date:** May 3, 2024

**Hearing Date:** June 18, 2024

**File:** A-2024-0143

**Owner/  
Applicant:** Vijaya Krishna Vasireddy, Pavani Samineni  
Tanvir Rai

**Address:** 100 Masken Circle

**Ward:** Ward 6

**Contact:** Emily Mailling, Planning Technician

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### **Recommendations:**

That application A-2024-0143 is supportable in part, 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 and in accordance with the conditions 2 and 4;
2. That the proposed above grade entrance shall not be used as a primary entrance to access a registered or unregistered second unit;
3. That Variance 3 to permit 0.0m or permeable landscaping abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping abutting the side lot line be refused;
4. That Variance 2 be refused and that a maximum driveway width of 7m be enforced;
5. The owner shall obtain a building permit within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
6. That drainage on the adjacent properties shall not be adversely affected; and,

7. 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 Special Section 2452 (R1F – 2452)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed above grade entrance in a side yard having a minimum width of 0.63 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres extending from the front wall of the dwelling up to and including the door;
2. To permit a driveway width of 7.21 metres, whereas the by-law permits a maximum driveway width of 7.0 metres; and
3. To permit 0.0 metres of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres of permeable landscaping abutting the side lot line.

## **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). Variance 1 is requested to permit a proposed above grade entrance in a side yard having a minimum width of 0.63 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres extending from the front wall of the dwelling up to and including the door. The requested variance has 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.

Variance 2 is not considered to have significant impacts within the context of the Official Plan policies. However, with staff's recommended refusal of Variance 3, the driveway width would be brought back into Zoning by-law compliance.

Variance 3 requests to permit 0.0 metres of permeable landscaping abutting the side lot line. This does not align with the general intent of the Official Plan, as it contradicts the

Development Design Guidelines that emphasize key design elements for residential areas, including the requirement for landscaping.

## 2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a proposed above grade entrance in a side yard having a minimum width of 0.63 metres extending from the front wall of the dwelling up to the door, whereas the by-law permits an above grade entrance when the side yard within which the door is located has a minimum width of 1.2 metres 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.) extending from the front wall of the dwelling up to and including the door is to ensure sufficient space is provided to allow for drainage and access to the rear yard.

The variance is related to the interior side yard setback resulting from a proposed above grade door. The 0.63m (2.07 ft.) setback is considered to provide sufficient space for drainage and does not affect access to the rear yard. The reduced setback is not considered to significantly impact secondary access to the entrance located at the side of the dwelling but is not suitable for the primary access to a secondary unit. Should the committee approve the requested variance, the applicant is to be aware that the existing above grade door in the side wall will not be permitted as the primary entrance to a secondary unit, an alternate primary entrance to a secondary unit must be provided. A condition of approval is recommended that the proposed above grade side door shall not be used to access a registered or unregistered second unit. Subject to the recommend conditions of approval, variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 seeks to permit an existing driveway width of 7.21m whereas a maximum driveway width of 7.0m is permitted. 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 to limit an excessive amount of vehicles that can be parked in front of the dwelling. The applicant is also requesting to permit 0.0m of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum of 0.6m of permeable landscaping abutting the side lot line. The intent of the by-law in requiring a minimum permeable landscaping is to ensure that sufficient space is provided for drainage, limiting impact on neighbouring properties. With the removal of the landscaping, staff noticed that there is a substantial amount of hardscaping in the front yard. In order to preserve the ability of proper drainage to occur and remain on the property, Staff recommend the refusal of Variance 2 and 3 as it is not considered to maintain the general purpose of the Zoning By-Law.

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

Variance 1 is intended to permit proposed site conditions for an above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. Staff have no concerns with the reduced side yard setback requirements in regard to drainage or access to the rear yard. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

A condition of approval is recommended that should the Committee approve the Variance, the applicant is to be aware that the proposed above grade door in the side wall will not be permitted to be used as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a second dwelling unit, as per the Ontario Building Code (OBC). Additionally, a condition of approval is to be recommended that the owner shall obtain a building permit within 60 days of the decision of approval for the as-built above grade entrance.

Variance 2 is requested to permit a driveway width of 7.21 metres whereas the by-law permits a maximum driveway width of 7.0 metres. Variance 3 is requested to permit 0.0m of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum of 0.6m of permeable landscaping abutting the side lot line. The intent of providing a permeable landscaping strip is to ensure that the front yard is not dominated by hardscaping and that permeable surface is provided for drainage. The existing site configuration is not supportable due to the expansive use of hardscaping on the front yard and lack of permeable materials which may impact adequate drainage on site. Therefore, Variance 2 and 3 are not desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variance 1 is requested to permit the construction of an above grade door with a reduced side yard setback is not considered to have significant impact on drainage or limit access to the property. A condition of approval is recommended that should the Committee approve the requested variance, the applicant is to be aware that the proposed above grade door will not be permitted as a primary entrance to a secondary dwelling unit and that the applicant must provide an alternate primary entrance to a secondary dwelling unit, as per the Ontario Building Code (OBC). Additionally, a condition of approval is recommended that the owner shall obtain a building permit within 60 days of the notice of decision. Subject to the recommended conditions of approval, Variance 1 is minor in nature.

The request for 0.0m of permeable landscaping between the driveway and side lot line and the request to increase the driveway width is not seen as minor in nature as the front yard is predominately dominated by hardscaping and there would not be a sufficient amount of landscaping. Variance 2 and 3 are not considered minor in nature.

Respectfully Submitted,

*EMailling*

Emily Mailling, Planning Technician

**Appendix 1: Site Visit Photos**

