



Report Committee of Adjustment

Filing Date: May 13, 2024
Hearing Date: June 18, 2024

File: A-2024-0157

**Owner/
Applicant:** Gulalai Safi, Mohammad Ashraf
Shivang Tarika

Address: 38 Lavallee Crescent

Ward: WARD 5

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0157 be refused.

Background:

The applicant is requesting an existing driveway width of 11.82m (38.9 ft) whereas the by-law permits a maximum driveway width of 7.0m (22.11 ft). The existing driveway width is 4.82m (16.79 ft.) wider than what the by-law permits. Staff are aware that there is an existing by-law infraction related to the existing driveway width.

Existing Zoning:

The property is zoned 'Residential – Special Section 1490 (R1E-12.2 - -1490)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 11.82 metres, whereas the by-law permits a maximum driveway width of 7.00 metres; and

2. To permit 0.3 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 Density 1 Residential' in the Credit Valley Lake Secondary Plan (Area 45). Variance 1 is not considered to have significant impacts within the context of the Official Plan policies.

Variance 2 requests to permit 0.3 metres of permeable landscaping abutting the side lot line. This does not meet the general intent of the Official Plan as it is not in accordance with the Development Design Guidelines which recognizes key elements of design for residential areas. Landscaping is one of the features that is required.

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

Variance 1 is requested to permit a driveway width of 11.82m (38.9 ft.) whereas the by-law permits a maximum driveway width of 7.0m (22.11 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 for an excessive number of vehicles to be parked in the front of the dwelling. The existing driveway was widened on both sides for a total width of 11.82m (38.9 ft.) which is 4.82m (16.79 ft.) wider than what the by-law permits. The widened area of the driveway leads directly to the main entrance of the dwelling and allows for several vehicles to be parked across the width of the driveway in a manner that is considered excessive, which is contrary to the intent of the by-law.

Furthermore, there is inadequate permeable landscaping on the property due to the existing and extended driveway width which is considered to dominate the front yard. The increased driveway width fails to incorporate landscaping in the front yard which creates an abundance of hardscaping and reduces the capability of drainage on the property. As a result, the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit 0.3m of 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. The intent of the by-law in requiring a minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted. The widening of the driveway on both sides has resulted in site conditions where the property is dominated by hardscaping, preventing adequate permeability and drainage. The variance does not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances requesting a wider driveway and reduced permeable landscaping allow for additional vehicle parking in front of the dwelling, which diminishes the ability to provide front yard landscaping and negatively impacts the streetscape's visual character. The widened driveway leads to an excess

of hard landscaping, which may adversely affect property drainage. Together, these variances create an imbalance in permeable landscaping on the property and allows for additional parking of vehicles. Therefore, the increased driveway width and reduced permeable landscaping are not considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are to facilitate the existing driveway conditions in relation to the driveway width and permeable landscaping. Variance 1 relating to the increased driveway width facilitates the parking of an additional vehicle in front of the main entrance of the dwelling. Variance 2 regarding the reduction of permeable landscaping contributes to a sense that the property is dominated by hardscaping which limits permeability along the lot line. Variances 1 and 2 are not considered to be minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos

