



## Report Committee of Adjustment

**Filing Date:** November 29, 2024

**Hearing Date:** January 28, 2025

**File:** A-2024-0441

**Owner/  
Applicant:** Sajjid Mohammed and Arshia Parveen  
Syed Ali Shabib

**Address:** 28 Clarence Street

**Ward:** 3

**Contact:** Megan Fernandes, Planner 1

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### **Recommendations:**

That application A-2024-0441 be deferred to no later than the last hearing of February 2025.

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### **Background:**

#### Existing Zoning:

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

#### Requested Variances:

The applicant is requesting the following variances:

1. To allow an interior side yard setback to a Garden suite of 1.12 metres, whereas the by-law requires an interior side yard setback of 1.8 metres;
2. To permit 2 parking spaces to be provided on-site, whereas the by-law requires 3 parking spaces to be provided on-site; and
3. To permit a building separation distance from the garden suite to the principal dwelling of 2.13 metres, whereas the by-law requires a building separation distance from the garden suite to the principal dwelling of 3 metres.

### **Current Situation:**

The applicant is proposing to convert an existing detached garage into a Garden Suite Unit. The subject property currently contains an approved additional residential unit within the dwelling. There are three variances requested for this application: Variance 1 is requested to permit a reduced interior side yard setback to the Garden Suite; Variance 2 is requesting to permit 2 parking spaces whereas the by-law requires 3 parking spaces to be provided on-site; Variance 3 is requested to permit a building separation distance from the garden suite to the principal dwelling of 2.13 metres, whereas the by-law requires a building separation distance from the garden suite to the principal dwelling of 3 metres. At the time of the initial Minor Variance submission, the site plan provided to staff depicted three parking spaces; however the parking spaces were not dimensioned.

Planning staff have significant concerns regarding Variance 2 which seeks to permit a reduced number of parking spaces. It is noted that the subject property includes a registered second unit. During the site visit, staff observed that the driveway has sufficient space to accommodate additional vehicles within the boundaries of the property.

The applicant has since submitted a revised site plan showing sufficient parking spaces on the driveway, which would meet zoning requirements and eliminate the need for Variance 2. However, a preliminary review indicates that providing three parking spaces on the driveway may result in a variance to the required path of travel width leading to the Garden Suite. Staff suggest that this path of travel would instead be located on the opposite side of the dwelling in order to not impact the parking spaces on the driveway. Furthermore, staff have requested the owner/applicant verify the dimensions provided on the site plan to ensure accuracy.

Staff identified and have communicated this matter to the applicant after the issuance of public notices. Staff recommend deferring the application to the February 2025 meeting. This deferral will provide the applicant with sufficient time to address staff concerns regarding the reduced number of parking spaces on the property and the dimensions outlined provided in the site plan.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planner I

Appendix 1 – Site Visit Photos

