

Filing Date: March 2, 2021
Hearing Date: March 30, 2021
File: A-2021-0041
**Owner/
Applicant:** KULWINDER SINGH AND AMANJEET KAUR
Address: 28 LADY BELLE CRESCENT
Ward: 9
Contact: Dana Jenkins, Development Planner

Recommendation:

That application A-2021-0041 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; and
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicants filed an application to allow a permitted encroachment (an existing fireplace) to be located within the path of travel to a primary entrance for a second unit. Staff site inspections revealed that the minimum landscaped open space strip adjacent to the side lot line did not meet the minimum required. The applicants amended their application to include the second variance related to the landscaping.

Existing Zoning:

The property is zoned 'Residential One C- Special Section 1167 (R1C-1167)', according to By-law 270-2004, as amended.

Requested Variances:

The applicants request the following variances:

1. To permit an encroachment (existing fireplace projection) having a setback of 0.88 metres (2.89 feet) located in the path of travel leading to the primary entrance to a second unit whereas the by-law requires a clear path of travel having a minimum width of 1.2 metres (3.94 feet) to a primary entrance to a second unit; and
2. To permit an existing 0.4 metres (1.31 feet) wide landscaped open space strip adjacent to the driveway whereas the by-law requires a minimum 0.6 metre (1.97 feet) wide landscaped open space strip between the driveway and the side lot line.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have any significant implications within the context of the policies of the Official Plan policies. The requested variances are considered to maintain the general intent and purpose of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned 'Residential One C – Section 1167 (R1C-1167)', according to By-law 270-2004, as amended. Two variances to the by-law are requested.

The first variance requested is to allow a permitted obstruction (an existing fireplace) to be located within the path of travel to the primary entrance to a second unit. The intent of specifying a minimum path of travel is to ensure that there are no safety or emergency access concerns for planned second units. While a reduction has been proposed, there is still adequate space to access the unit without compromising emergency access. Subject to the recommended conditions, the variance is considered to maintain the general purpose and intent of the Zoning By-law.

The second requested variance is to permit a reduction in the required landscape open space strip along the side lot line. The intent of the by-law in regulating minimum landscape areas is to maintain aesthetic appeal and to accommodate drainage. In this instance, although the minimum 0.6 metres is not provided, the 0.4 landscaping that is provided maintains the appearance of landscaping and accommodates drainage out to the street. The variance maintains the general intent and purpose for the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances to allow a permitted encroachment to be located within a portion of a pathway of travel to a second unit and to permit a slight reduction in the required landscaping along the side lot line will not alter the character of the area or create any adverse impacts to the neighbourhood. The requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit an encroachment in a path of travel to a second unit and to allow a reduction in the landscape open space strip along the side lot line will have no significant impact and are both considered to be minor in nature.

Respectfully Submitted,

Dana Jenkins

Dana Jenkins, MCIP, RPP
Development Planner