

**Filing Date:** April 14, 2021

**Hearing Date:** May 11, 2021

**File:** A-2021-0088

**Owner/  
Applicant:** **PERMINDER ROOPRAI**

**Address:** **31 POSSESSION CRESCENT**

**Ward:** 10

**Contact:** François Hémon-Morneau, Planner I

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#### **Recommendations:**

That application A-2021-0088 is supportable, in part, subject to the following conditions being imposed;

1. That Variance 2 for increased driveway width be refused;
  2. That Variance 3 for the elimination of permeable landscaping be refused;
  3. The owner shall obtain a building permit within 60 days of the decision of approval;
  4. That the sunroom addition remains in its current one storey configuration;
  5. That roof drainage from the sunroom shall flow onto the applicant's property and that drainage on adjacent properties shall not be adversely affected.
  6. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
  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:**

The applicant is seeking approval of one variance to permit an existing sunroom addition located at rear of the dwelling. Upon site inspection, two additional variances were identified related to an

existing driveway width and the removal of permeable landscaping along the side lot line. Furthermore, Building Division Staff require that the addition must conform to the Ontario Building Code including the amount of glazed openings which will be restricted based on the limiting distance.

Existing Zoning:

The property is zoned 'Residential (R1E-2459)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 7.1 metres (23.29 feet) to an existing 1 storey sunroom addition, whereas a minimum rear yard setback of 7.5 metres (24.60 feet) is required;
2. To permit an existing driveway width of 13.09 m (42.94 ft.), whereas the By-law permits a maximum driveway width of 7.32 m (24 ft.);
3. To permit 0.0 m (0.0 ft.) of permeable landscaping along the side lot line, whereas the By-law requires a minimum permeable landscape strip of 0.6 m (1.97 ft.) between the driveway and the side lot line.

**Current Situation:**

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

The subject property is designated 'Residential' in the Official Plan and 'Executive Transition Residential' in the Vales of Humber Secondary Plan (Area 50). The requested variances are not in conflict with the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

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

Variance 1 is to permit a rear yard setback of 7.1 metres (23.29 feet) to an existing 1 storey sunroom addition, whereas a minimum rear yard setback of 7.5 metres (24.60 feet) is required.

The intent of the Zoning By-law in regulating the minimum rear yard setback is to allow for adequate amenity space, and consistent separation distance between structures. The requested 0.40 m (1.31 ft.) reduction in the minimum rear yard setback requirement applies to the entire width of the existing sunroom addition. The addition does not significantly impact the provision of amenity space in the rear yard and sufficient separation between neighbouring dwellings and structures are maintained. Due to the substantial amount of existing hard landscaping on the property, a condition of approval has been added with respect to drainage. It is recommended that roof drainage from the sunroom shall flow onto the applicant's property and that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions, the requested variance maintains the general purpose and intent of the Zoning By-law.

Variance 2 is required to permit an existing driveway width of 13.09 m (42.94 ft.), whereas the By-law permits a maximum driveway width of 7.32 m (24 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 an excessive number of vehicles to be parked in front of the dwelling. The existing driveway width is 5.77 m (18.94 ft.) wider than what the By-law permits and in some sections, spans the entire width of the lot which results in substantial loss of the landscaped area in the front yard (Appendix A). In this case, the additional width allows for several vehicles to be parked side by side across the width of the driveway, which is contrary to the intent of the by-law. The requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance 3 is required permit 0.0 m (0.0 ft.) of permeable landscaping along the side lot line, whereas the By-law requires a minimum permeable landscape strip of 0.6 m (1.97 ft.) between the driveway and the side lot line.

The intent of the By-law in requiring a minimum permeable landscape strip along the interior lot line is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted. The extent of the driveway width combined with the reduction of permeable landscape strip to 0.0 m (0.0 ft.) along the side lot lines, greatly reduces the capability for appropriate drainage on the property. The removal of the landscaping creates an abundance of hard surfacing along the frontage and sides of lot property. The requested variance does not maintain the general intent and purpose of the Zoning By-law.

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

The rear yard setback variance requested to permit the existing sunroom addition to the single detached dwelling will not alter the character of the area. Subject to the recommended approval conditions, the proposed variance is desirable for the appropriate development of the land.

The widening of the driveway and the removal of landscaping along the driveway in order to accommodate extra vehicle parking has negative impacts on the streetscape. Variances 2 and 3 are not desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1, pertaining to the existing sunroom addition is not considered to create any negative impacts. The variance is deemed minor in nature.

Variances 2 and 3 regarding the existing driveway width and reduced permeable landscaping along the interior lot line are significant and are not considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner I

**Appendix A : Driveway**



Photograph of 31 Possession Crescent – Taken April 2021 during site visit