

Filing Date: May 5, 2021

Hearing Date: June 1, 2021

File: A-2021-0111

**Owner/
Applicant:** NATHANIEL DOOKIE & SHAFFINA DOOKIE

Address: 43 SPENCER DRIVE

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0111 is not supportable.

Background:

The applicant is seeking approval of one variance to permit a reduced path of travel leading to a principle entrance for a second unit. Upon site inspection, two additional variances were identified related to an existing driveway width and the removal of permeable landscaping abutting the side lot line.

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-987)', *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 0.66m (2.17 ft.) path of travel leading to a principle entrance for a second unit whereas the By-law requires a minimum unencumbered side yard width of 1.2 m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit;
2. To permit an existing driveway width of 7.42m (24.34 ft.) whereas the By-law permits a maximum driveway width of 5.2m (17 ft.);

3. To permit 0.15m (0.49m) of permeable landscaping along the side lot line whereas the By-law requires a minimum permeable landscape strip of 0.6m (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 property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Fletchers Meadow Secondary Plan (Area 44). The nature and extent of the proposed variance are considered to maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential Single Detached D (R1D-987)', according to By-law 270-2004, as amended.

Variance 1 is to allow for a reduced path of travel of 0.66 metres (2.16 feet) path of travel leading to a principle entrance for a second unit whereas the By-law requires a minimum unencumbered side yard width of 1.2 m (3.94 ft.) to be provided as a path of travel from the front yard to the entrance for a second unit. The intent of the By-law in requiring a minimum path of travel of no less than 1.2 metres (3.93 feet) where access to a second unit is provided through a door located in the side yard is to ensure that there is sufficient area to act as the primary access to a second unit for both every day and emergency purposes.

The requested variance proposes a reduction of 0.54 metres (1.77 feet) to the path of travel which is reflective of the side yard setback on the property. The proposed reduced path of travel is not anticipated to provide sufficient access to the entrance of the second unit. The requested variance is not considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is to permit an existing driveway width of 7.42m (24.34 ft.) whereas the By-law permits a maximum driveway width of 5.2m (17 ft.). The intent of the By-law in regulating the maximum permitted driveway width is to ensure that the driveway does not visually 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 driveway width was expanded by 2.22 metres (7.28 feet.) larger than what the By-law permits which results in substantial loss of the landscaped area in the front yard. In this case, the additional width allows an additional vehicle to be parked side by side across the width of the driveway and in front of the front porch, which is contrary to the intent of the By-law. Further, Open Space Development Staff have indicated that it does not support the increased driveway width as the resulting reduction in landscaped area is substantial and not acceptable. In this case, the cumulative impact of the existing driveway with the widening results in an extensive hardscaped area that is noticeable along the street. The variance does not meet the general intent and purpose of the Zoning By-law.

Variance 3 is required to permit 0.15m (0.49m) of permeable landscaping along the side lot line whereas the By-law requires a minimum permeable landscape strip of 0.6m (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 side 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 0.15 m (0.49 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

Variance 1 is requested in order to facilitate the registration of a proposed second unit within the existing residential dwelling. The proposed reduced path of travel of 0.66 metres (2.16 feet) leading to a principle entrance for a second unit is not considered to be sufficient for both every day and emergency purposes. Variance 1 is not considered to be desirable for the appropriate development of the land.

The widening of the driveway and the removal of landscaping in order to accommodate extra vehicle parking has negative impacts on the streetscape and results in the loss of soft landscaped area required for appropriate drainage on the property. Variances 2 and 3 are not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is proposed to accommodate an entrance to a second unit with a reduced path of travel. The proposed reduction in the path of travel is anticipated to impede on the ability for residents and emergency services to access the second unit. Variances 2 and 3 regarding the increased driveway width and reduced permeable landscaping along the interior lot line are considered to negatively impact drainage and the streetscape. The requested variances are not considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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