



**Report
Committee of Adjustment**

Filing Date: August 6, 2021
Hearing Date: September 14, 2021
File: A-2021-0180
**Owner/
Applicant:** LAKERMAN SINGH AND BISWATIE OODAL
Address: 57 Cordgrass Crescent
Ward: WARD 9
Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0180 is supportable in part, 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;
 2. That variance 2 to permit an increased driveway width be refused;
 3. That variance 3 to permit a reduction of permeable landscaping adjacent to the side lot line be refused;
 4. The owner shall obtain a building permit within 60 days of the decision of approval or within an extended period as approved by the Chief Building Official;
 5. That the below grade entrance shall not be used to access an unregistered second unit;
 6. That drainage on adjacent properties shall not be adversely affected;
 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 owner is requesting a variance to permit an existing below grade entrance. Upon site inspection, additional variances were identified relating to an existing increased driveway width and reduction to the required permeable landscaping adjacent to the side lot line.

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-807)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade exterior stairway in the required side yard having a setback of 0.17m to the side lot line and where a continuous side yard width of 1.2m is provided on the opposite side of the dwelling, whereas the by-law permits a below grade exterior stairway in the required interior side yard where a minimum 0.3m setback to the side lot line is maintained and where a minimum 1.2m continuous side yard width is provided on the opposite side of the dwelling;
2. To permit a driveway width of 7.06m (23.16 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.);
3. To permit 0.25m (0.82 ft.) of permeable landscaping adjacent to the side lot line, whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot.

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 Residential 1" within the Springdale Secondary Plan Area (Area 2). Within the context of the Official Plan and Secondary Plan policies, the requested variances have no significant impacts. The requested variance maintains the general intent of the Official Plan.

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

Variance 1 is requested to permit a below grade exterior stairway in the required side yard having a setback of 0.17m to the side lot line and where a continuous side yard width of 1.2m is provided on the opposite side of the dwelling, whereas the by-law permits a below grade exterior stairway in the required interior side yard where a minimum 0.3m setback to the side lot line is maintained and where a minimum 1.2m continuous side yard width is provided on the opposite side of the dwelling. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The existing configuration of the side yard entrance is comprised of a below grade landing accessed by two riser steps. A setback of 0.17m to the side lot is maintained between the stairway and property line. Despite the reduced interior side yard setback, the addition of the below grade entrance is not anticipated to negatively impact access to the rear yard since primary access to the rear yard is maintained on the opposite side of the dwelling. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval Variances 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a driveway width of 7.06m (23.16 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.). Variance 3 is requested to permit 0.25m (0.82 ft.) of permeable landscaping adjacent to the side lot line, whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot. The intent of the by-law in regulating driveway width is to ensure that driveways, and the potential parking of vehicles that driveways can accommodate, does not dominate the streetscape, and the intention of requiring a 0.6m (1.97 ft.) permeable landscape strip adjacent to the side lot line is to ensure sufficient area is provided for drainage.

The existing driveway was widened to a total width of 7.06m (23.16 ft.) which is 1.86m (6.10 ft.) larger than what the by-law permits. The widened area of the driveway leads into a walkway for the main entrance of the dwelling. 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. Furthermore, the driveway and the portion of hardscaping located adjacent to the side lot line is made of materials which inhibit proper drainage. The 0.25m (0.82 ft.) of permeable landscaping adjacent to the side lot line is the result of the widened driveway. The extent of the driveway width combined with the reduction of permeable landscape strip along the side lot lines, greatly reduces the capability for appropriate drainage on the property and negatively contributes to the overall streetscape aesthetics. The removal of the landscaping creates an abundance of hard surfacing along the frontage and sides of the property. Variances 2 and 3 does not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit existing site conditions including the location of a below grade entrance, driveway width and permeable landscaping. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, variance 1 is desirable for the appropriate development of the land.

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

4. Minor in Nature

The existing below grade entrance is not considered to impact access to the rear yard as access is maintained along the opposite side of the dwelling. Subject to the recommended conditions of approval, variance 1 is considered 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

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