



Report Committee of Adjustment

Filing Date: August 30, 2021

Hearing Date: October 5, 2021

File: A-2021-0202

Owner/

Applicant: MADHU SHARMA AND SACHIN KUMAR

Address: 44 Waterwide Crescent

Ward: WARD 5

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0202 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;
 2. That the existing above grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties shall not be adversely impacted;
 4. That the existing municipal curb depression shall not be widened in the area of the extended driveway width;
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached (R1E-11.6-2244)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing driveway width of 7.34m (24.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit 0.16m (0.52 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line;
3. To permit a portion of the path of travel leading to a principle entrance for a second unit having a width of 0.79m (2.59 ft.) whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density 2 Residential' in the Credit Valley Secondary Plan (Area 45). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit an existing driveway width of 7.34m (24.08 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). Variance 2 is requested to permit 0.16m (0.52 ft.) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) of permeable landscaping between the driveway and the side lot line. The intent of the By-law in regulating the maximum permitted driveway width and requiring a minimum permeable landscape strip along the interior lot line is to ensure that the driveway does not dominate the front yard landscaped area that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The existing driveway width is 0.63m (2.07 ft.) wider than what the by-law permits and was widened along the east and west side of the driveway. Furthermore, the applicant is requesting a 0.44m (1.44 ft.) reduction to the permeable landscaping between the driveway and the side lot line from what the by-law permits. The portions of the existing driveway that were widened consist of concrete and is not considered to significantly impact drainage or contribute to a substantial loss of landscaped open space on the property. While the driveway does not maintain the full front yard landscaping requirements, the existing condition of the driveway is not out of character for the area and the increased width is not considered to facilitate the parking of an excessive number of vehicles on the driveway. In this case, the materials used and the design maintain the intent of the Zoning By-law by not visually dominating the front yard of the property. The reduction in permeable landscaping relates to a walkway leading to the rear of the dwelling. This walkway is not expected to negatively impact drainage. Subject to the recommended conditions of approval, variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a portion of the path of travel leading to a principle entrance for a second unit having a width of 0.79m (2.59 ft.) whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) to be provided as a path of travel from the front yard to the principal entrance for a second unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

The variance relates to an existing above grade entrance leading to the basement of the dwelling to accommodate a second unit. The existing entrance is located at the rear of the dwelling and a variance is attributable to a small portion of the dwelling encroaching onto the path of travel. The path of travel is reduced to 0.79m (2.59 ft.) while an average of 1.25m (4.01 ft.) remains for the path of travel along the side of the dwelling. The variance represent a 0.41m (1.35 ft.) reduction from what the by-law permits in terms of a required path of travel. Given the reduced path of travel only relates to a small portion of the overall path of travel to the entrance of the second unit, it is considered to be sufficient area to act as the primary access to a second unit for both everyday and emergency purposes. The requested variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

A variance is requested to facilitate the registration of a second unit by permitting a reduced path of travel. Since the reduced path of travel only relates to a small portion of the total path of travel, it is not anticipated to negatively impact the property or the adjacent property and is considered sufficient for everyday and emergency purposes. A condition of approval is recommended that the existing above grade entrance shall not be used to access an unregistered second unit. Subject to the recommended conditions of approval, the requested variance are considered desirable for the appropriate development of the land.

Additional variances are requested to permit an existing driveway width and reduced permeable landscaping between the driveway and the side lot line. The existing conditions of the driveway is not out of characteristic for neighbourhood and does not pose negative impacts. A condition of approval is recommended that the existing municipal curb depression shall not be widened in the area of the extended driveway width. Further, and to minimize the potential for negative impacts to the drainage resulting from the driveway extending to the property line, a condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, variances 2 and 3 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The applicant is requesting permission to allow a reduced path of travel relating to an existing above grade entrance to a second unit. Subject to the recommended conditions of approval, the variance are not expected to create negative impacts as sufficient space is maintained for everyday and emergency purposes. The variance is deemed minor in nature.

Furthermore, the increased driveway width and reduced permeable landscaping are not considered to present negative impacts related to the existing conditions of the driveway and hard landscaping.

Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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