

Filing Date: September 18, 2020

Hearing Date: October 20, 2020

File: A-2020-0090

Owner/

Applicant: KISHORE GILLELLAMUDI AND LAKSHMI GILLELLAMUDI

Address: 22 Vintonridge Drive

Ward: 8

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0090 is supportable, in part, subject to the following conditions being imposed:

1. That Variance 1 be refused and an encroachment into the required minimum path of travel to a second dwelling unit shall not be permitted;
2. That the extent of the Variance 2 be limited to that shown on the sketch attached to the Public Notice;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void

Background:

Existing Zoning:

The property is zoned "Residential Single Detached C – Special Section 1884 (R1C-1884)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a chimney encroachment within the minimum 1.2 metre path of travel from the front wall of the dwelling to a door in the rear yard used to access a second unit, resulting in a reduced path of travel of 0.991m (3.25 ft.) at the chimney location whereas the by-law does not permit encroachments into the

minimum 1.2 metre path of travel to the access for a second unit;

2. To permit a 0.40m (1.31 ft.) permeable landscape strip abutting the side lot line whereas the by-law requires a minimum 0.60m (1.97 ft.) permeable landscape strip abutting both side lot lines in the front yard.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' by the Official Plan and 'Medium Density Residential' in the Snelgrove-Heartlake Secondary Plan (Area 1).

Variance 1 is requested to permit a reduced path of travel to the primary entrance of a registered second unit.

Official Plan Section 3.2.8.2 provides the policies for Second Units. Policy 3.2.8.2(d) explicitly states that "where an application for a second unit fails to conform to any of the requirements of the implementing Zoning By-law, a Zoning By-law Amendment shall be required."

In this instance, the requested variance is to vary provisions of what is considered to be the "implementing by-law" noted within the Official Plan and therefore, Variance 1 is not considered to maintain the intent of the Official Plan.

Variance 2 is not considered to have significant implications within the context of the Official Plan. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Official Plan.

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

Variance 1 is requested to permit a chimney encroachment within the minimum 1.2 metre path of travel from the front wall of the dwelling to a door in the rear yard used to access a second unit, resulting in a reduced path of travel of 0.991m (3.25 ft.) at the chimney location whereas the by-law does not permit encroachments into the minimum 1.2 metre path of travel to the access for a second unit.

The intent of the By-law in requiring an unobstructed 1.2m (3.94 ft) path of travel to the primary entrance of a second unit 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 path of travel of 0.991m (3.25 feet). This distance is not considered to be sufficient to provide a path of travel suitable for use for everyday or emergency purposes. Variance 1 is not considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit a 0.40m (1.31 ft.) permeable landscape strip abutting the side lot line whereas the by-law requires a minimum 0.60m (1.97 ft.) permeable landscape strip abutting both side lot lines in the front yard. The intent of the by-law in requiring a minimum permeable landscaped area is to ensure proper area for drainage

is provided on the property. The proposed reduction is not anticipated to impact drainage on the property. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is needed to facilitate the registration of a second unit within the existing residential dwelling. A below grade entrance is provided in the rear yard of the property, which requires one of the side yards of the property to be used as the main path of travel to that entrance. Given the chimney encroachment, the primary path of travel would be reduced and would inhibit the use of the path of travel for everyday or emergency use. Variance 1 is not considered to be desirable for the appropriate development of the land.

Variance 2 is requested to permit a reduction in the required permeable landscaped area adjacent to the driveway. The requested reduction is not anticipated to negatively impact drainage for the property or the adjacent property. Subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is intended to facilitate the registration of a second unit within the dwelling. The proposed reduction in path of travel would inhibit the use of the path of travel for every day or emergency use. Variance 1 is not considered to be minor in nature.

Variance 2 is required to permit a reduced permeable landscaped area adjacent to the driveway. The reduction is not anticipated to impact drainage on the property or those adjacent to it. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the public notice to ensure there is no further encroachment into the permeable landscaped area. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development