



Report Committee of Adjustment

Filing Date: July 5, 2022
Hearing Date: August 2, 2022

File: A-2022-0208

**Owner/
Applicant:** DINESH SHARMA AND LAMYAI SHARMA

Address: 47 Larkspur Road

Ward: WARD 9

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0208 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 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 of the property is requesting a variance to permit a parking space reduction to facilitate a home occupation (salon) in the basement of the dwelling. Upon site inspection, an additional variance was identified for reduced setbacks relating to an existing storage shed in the rear yard.

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 3 parking spaces whereas the by-law requires a total of 4 parking spaces (2 spaces for the dwelling and 2 spaces for a home occupation);

2. To permit an existing accessory structure (shed) having a rear yard setback of 0.08m (0.26 ft.) and a side yard setback of 0.17m (0.56 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines.

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' in the Springdale Secondary Plan (Area 2). The nature and extent of the proposed variances 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 first variance is requested to permit 3 parking spaces whereas the by-law requires a total of 4 parking spaces (2 spaces for the dwelling and 2 spaces for a home occupation). The intent of the by-law in requiring a minimum number of required parking spaces is to ensure that the property can accommodate the business operations in addition to the primary residential use.

The Zoning By-law requires two parking spaces for the residential dwelling and two parking spaces for the proposed home occupation (salon). The attached garage can only accommodate the parking of one vehicle while the driveway allows for the parking of two vehicles. The variance is requested due to the proposed conversion of the basement for a salon. Given the nature of the proposed home occupation use being a salon, staff do not anticipate significant impacts to the property or adjacent properties resulting from the parking space reduction. The existing driveway and number of parking spaces are deemed sufficient to accommodate the business operations and primary residential use. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit an existing accessory structure (shed) having a rear yard setback of 0.08m (0.26 ft.) and a side yard setback of 0.17m (0.56 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest property lines. The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage. The setbacks for the existing shed are not anticipated to impact drainage for the subject property or adjacent properties as the accessory structure.

There is an existing shed in the rear yard which does not comply with the minimum setback requirements. Given the size and height of the shed, staff have no concerns over the location and reduced setbacks to the rear and side property lines. The location of the accessory structure is not considered to generate negative impacts to drainage. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The first variance is intended to facilitate a proposed salon in the basement of the dwelling which requires two parking spaces for the residential dwelling and two parking spaces for the home occupation. The property can only accommodate three parking spaces contained on the driveway and

the attached garage. The reduction is not anticipated to negatively impact the property or adjacent properties. The variance is considered desirable for the appropriate development of the land.

The second variance is requested to allow the location of an existing shed in the rear yard. Despite the reduced setbacks of the accessory structure, it is not considered to negatively impact drainage on-site or off-site. The variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The variance for three parking spaces is considered sufficient to accommodate the home occupation and primary residential use within the dwelling with no anticipated negative impacts. The requested variance for the accessory structure is not expected to have significant impact on drainage. Variances 1 and 2 are deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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