



Report Committee of Adjustment

Filing Date: July 24, 2022
Hearing Date: August 23, 2022

File: A-2022-0242

**Owner/
Applicant:** 1000211038 ONTARIO LIMITED

Address: 21 Creekwood Drive

Ward: WARD 2

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0242 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 drainage from the accessory structure shall be directed onto the subject property and drainage not impact adjacent properties;
 3. 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 C (R1C-686)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.06m (0.20 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard of 0.3m (0.98 ft.) to a below grade entrance provided that a continuous side yard width of no less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling;

2. To permit a driveway width of 7.3m (23.95 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.36m (1.18 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 landscape between the driveway and the side lot line;
4. To permit an existing accessory structure (shed) having a setback of 0.16m (0.53 ft.) and 0.08m (0.26 ft.) to the nearest property lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure 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' in the Snelgrove-Heartlake Secondary Plan (Area 1). 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 an interior side yard setback of 0.06m (0.20 ft.) to a below grade entrance whereas the by-law requires a minimum interior side yard of 0.3m (0.98 ft.) to a below grade entrance provided that a continuous side yard width of no less than 1.2m (3.94 ft.) is provided on the opposite side of the dwelling. The intent of the by-law in not allowing below grade entrances in the interior side yard, and requiring a minimum interior side yard setback is to ensure that there is adequate room available to allow for drainage and access to the rear yard.

The applicant is proposing to construct a below grade entrance encroaching into the required interior side yard. The entrance is not expected to impact drainage and a continuous side yard width of 1.2m (3.94 ft.) is provided on the opposite side of the dwelling to maintain access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Variances 1 is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit a driveway width of 7.3m (23.95 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). The third variance is requested to permit 0.36m (1.18 ft.) of permeable landscaping abutting the side property line whereas the by-law requires a minimum of 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line. The intent of the by-law in regulating the maximum permitted driveway width and requiring a minimum permeable landscaped 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 adjacent properties are not impacted.

The existing driveway width is 0.59m (1.94 ft.) wider than what the by-law permits. Furthermore, the applicant is requesting a 0.24m (0.79 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 are 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 conditions of the driveway is not out of character for the area. Subject to the recommended conditions of approval, variances 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance four is requested to permit an existing accessory structure identified as a "shed" having a setback of 0.16m (0.53 ft.) to the side lot line and a setback of 0.08m (0.26 ft.) to the rear lot line respectively whereas the by-law permits a setback of 0.6m (1.97 ft.) to the side and rear lot lines. The intent of the by-law in regulating minimum setbacks is to ensure that there is adequate room for drainage and maintenance of structures. In this case, the shed generally requires minimal maintenance and also has no foundation which can easily allow for the shed to be moved. Drainage in the rear yard does not appear to have been affected by the shed. Based on the roof design of the existing shed, the runoff of water is directed onto the subject property and should not impact the drainage on adjacent properties. Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting a variance to facilitate the construction of a proposed below grade entrance in the interior side yard between the main wall of the dwelling and the interior lot line. The owner is advised that drainage on the adjacent properties shall not be adversely affected. 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 condition of approval, variance 1 is considered desirable for the appropriate development of the land.

Variance 2 and 3 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 character for the neighbourhood and does not pose negative impacts. The applicant is advised that drainage on adjacent properties shall not be adversely affected from the proposed development. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

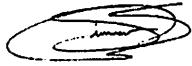
The location of the accessory structures will not impede the sightlines of neighbouring properties or detract from the amount of amenity space to serve the dwelling, provided that the structure is limited to the size and location as shown on the sketch attached to the Public Notice, as per the recommended conditions of approval. The variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance for the construction of a below grade entrance are not considered to have significant impact on drainage or limiting access to the property. Variances 1 is deemed minor in nature. Variances 2 and 3 for 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. The requested variance for the existing accessory structures in the rear yard is not anticipated to impose any negative impacts on the property or any negative impacts on the property or any of the surrounding properties. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a hand-drawn oval border.

Simran Sandhu, Assistant Development Planner