



Report Committee of Adjustment

Filing Date: August 16, 2022
Hearing Date: September 23, 2022

File: A-2022-0272

**Owner/
Applicant:** VIKAM SURAVARAPU, RASHIDA NARAHARA SETTI AND SWETHA SALIAN

Address: 44 Ribbon Drive

Ward: WARD 9

Contact: Mohammed Jalabi, Assistant Development Planner

Recommendations:

That application A-2022-0272 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 4 to permit 0.0m of permeable landscaping adjacent to the side line be refused;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. 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 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 entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;
2. To permit an exterior side yard setback of 1.8m (5.91 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.);
3. To permit an existing accessory structure (shed) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in an exterior side yard;
4. To permit 0.0m of permeable landscaping adjacent to the side line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line.
5. To permit a 3.75m (12.30 ft.) separation distance between a driveway and the point of intersection of two streets whereas the by-law requires a minimum 5.0m (16.40 ft.) separation distance between a driveway and projected point of intersection of two streets.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Residential' 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 a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line. The second variance is requested to permit an exterior side yard setback of 1.8m (5.91 ft.) to a below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.). The intent of the by-law in prohibiting below grade entrances between a main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape.

The proposed stairway leading to a below grade entrance encroaching into the required interior side yard is not considered to have significant impact on drainage and sufficient space is maintained for 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. The variances is considered to maintain the general intent and purpose of the Zoning By-law.

The third variance is requested to permit an existing accessory structure (shed) to be located in the exterior side yard whereas the by-law does not permit an accessory structure to be located in an exterior side yard. The intent of the by-law in prohibiting accessory structures in the exterior side yard is to ensure that the appearance of the structure does not negatively impact the overall streetscape. In this case, the shed generally requires minimal maintenance and 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 3 is considered to maintain the general intent and purpose of the Zoning By-law.

The fourth variance is requested to permit 0.0m of permeable landscaping adjacent to the side line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping adjacent to the side lot line. The intent of the by-law in requiring a minimum permeable landscaping strip along the interior lot line is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The owner has widened the driveway with concrete along the west side of the property which results in the elimination of the permeable landscaping between the driveway and the side lot line. The elimination of permeable landscaping strip reduces the compatibility for appropriate drainage on the property. The removal of the landscaping, combined with the adjacent property's driveway and elimination of permeable landscaping creates an abundance of hard surfacing along the side of the property which could inhibit proper drainage. The variance is not considered to maintain the general intent and purpose of the Zoning By-law.

The fifth variance is requested to permit a 3.75m (12.30 ft.) separation distance between a driveway and the point of intersection of two streets whereas the by-law requires a minimum 5.0m (16.40 ft.) separation distance between a driveway and projected point of intersection of two streets. The intent of the by-law is to ensure that there are no obstructions on a corner of a lot which would impede the visibility of pedestrians, cyclists, or drivers. Additionally, staff have reviewed the application and conclude no negative impacts. The existing site conditions are not anticipated to generate negative impacts and is in keeping with the general intent of the by-law.

3. Desirable for the Appropriate Development of the Land

Variances 1,2 and 3 are required in order to permit a below grade entrance between the main wall of a dwelling and the flankage lot line, an exterior side yard setback and required for an existing accessory structure (shed) to be located in the exterior side yard. 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, the variances are considered desirable for the appropriate development of the land as they do not generate negative impacts.

Furthermore, variance 4 is intended to allow an existing site condition relating to poured concrete which eliminates permeable soft landscaping between the driveway and the side lot line. The reduced landscaping along the driveway and the side lot line results in site conditions which may negatively impact drainage on the property. The variance is not considered desirable for the appropriate development of the land.

Variance five is also requested to allow existing site conditions where the driveway has been extended into the projected point of intersection of two streets. The variances would allow vehicles to be parked close the point of intersection. The existing site conditions are not anticipated to generate neative impacts, the variance is considered desirable for the appropriate development of the land as it does not generate negative impacts.

4. Minor in Nature

The requested variances 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 and 2 are deemed minor in nature. The requested variances 3 for the existing accessory structure 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.

The requested variances to permit the elimination of permeable landscaping represents a substantial change with potential negative drainage impacts and is not considered minor in nature.

The portion is the driveway located within the projected point of intersection of two streets is not considered to generate any negative potential impact, variance five is considered minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner