



**Report
Committee of
Adjustment**

Filing Date: August 4, 2022
Hearing Date: September 13, 2022
File: A-2022-0252
**Owner/
Applicant:** Sukhbir Kaur & Harpal Singh / Pardeep Gogna
Address: 209 Van Scott Drive
Ward: 2
Contact: Noel Cubacub, Planner III

Recommendations:

That application A-2022-0252 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 above grade entrance shall not be used to access an unregistered second unit;
 3. That a building permit be obtained for the above grade entrance within sixty (60) days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 4. That drainage on adjacent properties shall not be adversely affected;
 5. That there shall be no additional widening of the driveway between the sidewalk and the street curb; and
 6. 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 – Special Section 920 (R1D – 920)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a landing and associated steps for an above grade entrance with a side yard setback of 0.31 metres (1.02 feet) whereas the by-law requires any steps or landing associated with an above grade entrance be setback 0.9 metres (2.95 feet) from the side lot line.
2. To permit a driveway width of 7.47 metres (24.51 feet) whereas the by-law permits a maximum driveway width of 6.71 metres (22 feet);
3. To permit 0.10 metres (0.33 feet) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6 metres (1.97 feet) of permeable landscaping between the driveway and the side lot line.

Current Situation:**1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the Official Plan and "Low / Medium Density" in the Northwest Sandalwood Parkway Secondary Plan (Area 2a). The Residential designation supports the current use and the variance is not expected to have any significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general purpose and intent of the Official Plan.

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

The property is zoned "Residential Single Detached D – Special Section 920 (R1D – 920)" according to By-law 270-2004, as amended.

Variance 1 is requested to permit a landing and associated steps for an above grade entrance with a side yard setback of 0.31 metres (1.02 feet) whereas the by-law requires any steps or landing associated with an above grade entrance be setback 0.9 metres (2.95 feet) from the side lot line. The intent of the By-law in requiring a minimum setback from the side lot line to an above grade entrance is to ensure that the path of travel to the rear yard is not inhibited and to allow for sufficient drainage to be completed on the subject property. The requested side yard setback of 0.61 metres (1.02 feet) are designed in a way that could continue to allow for a path of travel to and from the rear yard while also allowing drainage to be completed on the property.

A condition of approval is recommended that the above grade entrance shall not be used to access an unregistered second unit in order to not further decrease the required setback to any steps of landing.

Variance 2 is requested to permit a driveway width of 7.47 metres (24.51 feet) whereas the by-law permits a maximum driveway width of 6.71 metres (22 feet). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling. The driveway is currently existing and while being larger than permitted is done in a manner that does not negatively impact the streetscape as there is ample room in the front yard for landscaping elements. Additionally, the existing driveway was installed as a decorative extension to the existing dwelling and is contributing positively to the dwelling. The increased driveway width is not anticipated to negatively impact the property or the adjacent properties.

Variance 3 is requested to permit 0.10 metres (0.33 feet) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6 metres (1.97 feet) of permeable landscaping between the driveway and the side lot line. The intent of the by-law in requiring a minimum permeable landscape 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 driveway has not been built up to the property line there is sufficient landscape open space on the opposing side of the driveway to adequately facilitate drainage on the property. It is not anticipated to result in any negative impacts to pertaining to drainage for the subject or adjacent properties.

A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected.

Subject to the recommended conditions of approval, the requested variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested for the purpose of introducing a new second unit property in the City. This will add an additional housing opportunity to the market while also allowing the existing dwelling to function as intended, in this case not impeding every day access into the rear yard. Variance 1 is not anticipated to negatively impact the subject property or adjacent properties and is considered to be desirable for the appropriate development of the land.

Variances 2 and 3 are related to an existing driveway that was widened to accommodate additional parking maneuverability. The widened driveway and the reduced permeable landscape strip is not out of character when we consider the neighbourhood at large and is not anticipated to negatively impact the subject property or the adjacent properties.

Conditions of approval are recommended that drainage on adjacent properties shall not be adversely affected; and there shall be no additional widening of the driveway between the sidewalk and the street curb.

Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variances are requested to accommodate a new second unit dwelling as well as existing conditions of the driveway and permeable landscape strip. These requests will add additional housing opportunities while also not being uncharacteristic of the host neighbourhood. There are no anticipated negative impacts to the subject property or the adjacent 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 'Noel Cubacub', written over a horizontal line.

Noel Cubacub
Planner III