



Report Committee of Adjustment

Filing Date: September 16, 2022
Hearing Date: October 25, 2022

File: A-2022-0296

**Owner/
Applicant:** ASWIN SANZGIRI AND SANIA SANZGIRI

Address: 57 Hawtrey Road

Ward: WARD 6

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2022-0296 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 on the adjacent properties shall not be adversely affected;
 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 F – Special Section 2256 (R1F-9-2556)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 2.5m (8.20 ft.) for a deck off the main floor whereas the by-law requires a minimum rear yard setback of 3.5m (11.48 ft.) to a deck off the main floor;
2. To permit an existing driveway width of 7.0m (22.97 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);

3. To permit 0.3m (0.98 ft.) of permeable landscaping adjacent to the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip between the driveway and the side property line.

Current Situation:

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

The property is designated as 'Residential' in the Official Plan and 'Low/Medium Density' in the Mount Pleasant Secondary Plan (Area 41). The Residential designation supports the current use and the variances are 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. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned "Residential Single Detached F (R1F)" according to By-law 270-2004, as amended.

Variance 1 is requested to permit a proposed deck with a rear yard setback of 2.50m (8.20 feet) whereas the by-law requires a minimum rear yard setback of 3.5 metres (11.48 feet). The variance is requested to facilitate the construction of a deck in the rear of the property.

The intent of the by-law in requiring a minimum rear yard setback for a wood deck is to ensure that the properties to the rear of the subject property are not negatively impacted in terms of sightlines or privacy, and to ensure that sufficient amenity area in the rear yard is maintained. At the rear of the subject property is a floodplain area and as such, the extension of the deck is not anticipated to have negative impacts on that area. Further, the proposed deck will contribute positively to the outdoor amenity area for the property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the intent of the Zoning By-law.

Variance 2 is requested to permit an existing driveway width of 7.00 metres (22.96 feet) whereas the by-law permits a maximum driveway width of 6.71 metres (22 feet). Variance 3 is requested to permit a 0.30 metre (0.98 feet) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.6 (1.97 feet) of permeable landscaping between the driveway and the side lot line. The intent of the by-law in regarding the maximum 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 the drainage of the adjacent properties are not impacted.

The existing driveway width is 0.29 metres (0.95 feet) wider than what the by-law permits. Furthermore, the applicant is requesting a 0.30 metre (0.98 feet) 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 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.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to facilitate the construction of a wooden deck in the rear yard of the property. The proposed size and location of the deck is not anticipated to negatively impact the adjacent properties and will contribute positively to the use of the outdoor amenity space on the property. A condition of the approval is recommended that the variance be limited to that shown on the sketch attached to the public notice to ensure that the size and location of the proposed deck remains as presented within this application. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

Variances 2 and three is to permit 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 does not pose any negative impacts. The applicant is advised that the drainage on the 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.

4. Minor in Nature

Variance 1 is to permit a rear yard setback of 2.50m (8.20 feet) to a wood deck off the main floor whereas the By-law requires a minimum rear yard setback of 3.5m (11.48 feet) to a wood deck off the main door. The proposed reduced setback will allow the construction of a deck that will positively contribute to the outdoor amenity space on the property. Subject to the recommended conditions of approval, the requested variance one is considered to be 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. Subject to the recommended conditions of approval, the requested variances two and three are considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician