



Report Committee of Adjustment

Filing Date: September 20, 2022

Hearing Date: October 25, 2022

File: A-2022-0300

**Owner/
Applicant:** LETICIA KWAPONG AND ALEX KWAPONG

Address: 4 Permafrost Drive

Ward: WARD 10

Contact: Paul Brioux, Planning Technician

Recommendations:

That application A-2022-0300 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 2 for driveway widening be refused;
 3. That Variance 3 for the reduction of permeable landscaping be refused;
 4. That the existing at grade entrance shall not be used to access an unregistered second unit;
 5. 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 – R1D-1262', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a 1.05m (3.45 ft.) path of travel leading to a principle entrance for a second unit whereas the by-law requires a minimum unencumbered side yard width of 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit;
2. To permit an existing driveway width of 7.83m (25.69 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit 0.0m 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 '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, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a 1.05m (3.45 ft.) path of travel leading to a principle entrance to a second unit whereas the by-law requires a 1.2m (3.94 ft.) be provided as a path of travel from the front yard to the entrance for a second unit. The intent of the by-law in requiring a minimum path of travel is to ensure that there is sufficient area to act as the primary access to a second unit for both everyday and emergency purposes.

The variance to allow a 1.05m (3.45 ft.) path of travel is considered to provide sufficient space for drainage and access to the rear yard and area to access a second unit for both every day and emergency purposes. The reduced path of travel is not considered to significantly impact access to the entrance located at the side of the dwelling. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an existing driveway width of 7.83m (25.69 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). The intent of the by-law in regulating driveway width is to ensure that driveways, and the potential parking of vehicles that driveways can accommodate, does not dominate the streetscape. Variance 3 is requested to permit an existing 0.0m 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. 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.

An increased driveway width of 1.12m (3.67 ft.) more than the by-law allows, would fail to incorporate any landscaping strip between the side lot line and the driveway, given physical constraints of the site.

As a result, Variance 2 and Variance 3 to permit an existing driveway width of 7.83m (25.69 ft.) and to reduce the permeable landscape strip to 0.0m between the driveway and the side lot line would dominate the streetscape and reduce the capability for appropriate drainage on the property. The removal of the landscaping, and increased driveway width creates an abundance of hard surfacing along the side of the property. The requested variances are not 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 intended to permit a reduced path of travel leading a principal entrance. A condition of approval is recommended that the existing at grade entrance shall not be used to access an unregistered second unit. Subject to the recommended condition of approval, the variance is considered desirable for the appropriate development of the land.

Variance 2 and 3, are intended to permit an existing widened driveway and an elimination of landscaping along the side lot line. Cumulatively, the increased width and the reduction of permeable landscaping for the concrete driveway results in an environment that is dominated with paved surfaces and an associated loss of permeability for site drainage. Variances 2 and 3 are not considered desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is intended to permit a reduced path of travel to serve a second unit in the residential dwelling. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 2 and 3 to permit an increased driveway width and the elimination of permeable landscaping represent a substantial change with potential negative drainage impacts while dominating the streetscape with paved surfaces are not considered minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Planning Technician