



## Report Committee of Adjustment

**Filing Date:** November 1<sup>st</sup> 2022  
**Hearing Date:** December 6<sup>th</sup> 2022

**File:** A-2022-0355

**Owner/  
Applicant:** RAKESH AND HARSHA CHAUCHAN / SHERVIN BEHBOUDI

**Address:** 19 Tall Oaks Place

**Ward:** WARD 9

**Contact:** Chinoye Sunny, Planner I

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### **Recommendations:**

That application A-2022-0355 is supportable in part, subject to the following conditions being imposed:

1. That the proposed front yard setback identified in Variance 3 is revised to 1.8m;
  2. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
  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:**

The Applicant is requesting three (3) Minor Variances to permit a reduced front yard setback, a driveway width expansion, and a reduced porch encroachment setback in the front yard.

#### Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B-610)' as per to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 2.82m (9.25 ft.) to a proposed building addition (porch enclosure) whereas the by-law requires a minimum front yard setback of 6.0m (19.68ft);
2. To permit a driveway width of 9.15m (30 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To permit a porch encroachment of 4.10m (13.45 ft.) in the required front yard resulting in a front yard setback of 1.9m (6.23 ft.) whereas the by-law permits a porch encroachment of 1.8m (5.91 ft.) into the required front yard, resulting in a front yard setback of 4.2m (13.78 ft.).

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and is further designated 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested 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 property is zoned 'Residential Single Detached B (R1B-610)' as per to By-law 270-2004, as amended.

Variance 1 is requesting to permit a front yard setback of 2.82m (9.25 ft.) to a proposed building addition (porch enclosure) whereas the by-law requires a minimum front yard setback of 6.0m (19.68ft). Variance 3 is requesting to permit a porch encroachment of 4.10m (13.45 ft.) in the required front yard resulting in a front yard setback of 1.8m (6.23 ft.) whereas the by-law permits a porch encroachment of 1.8m (5.91 ft.) into the required front yard, resulting in a front yard setback of 4.2m (13.78 ft.). The intent of the by-law requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area. The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking, landscaped area and consistency in the siting of houses along a street.

The proposed reduction in front yard setback is due to the proposed porch enclosure. The porch enclosure is not anticipated to adversely impact parking on the property or drainage on the property. Although some landscape areas at the front yard will be reduced, there will still be an adequate amount of landscape area on the property. Subject to the conditions of approval, Variances 1 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requesting to permit a driveway width of 9.15m (30 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). 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 increased width is not considered to significantly impact drainage or access to the

property. While the driveway does not maintain the full front yard landscaping requirements, the existing condition of the driveway is not out of character for the neighbourhood. As such, the general intent and purpose of the Zoning By-law is maintained.

3. Desirable for the Appropriate Development of the Land

The variances requested are to permit a reduced front yard setback, a driveway width expansion, and a reduced porch encroachment setback in the front yard. Based on the configuration of the proposed porch enclosure, Staff do not anticipate any negative impacts for parking or drainage on the property. Additionally, there will still be an adequate amount of landscaped area in the front yard to maintain the character of the existing neighbourhood. Subject to the recommended conditions of approval, the variance is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are to permit a reduced front yard setback, a driveway width expansion, and an increased porch encroachment setback in the front yard. The requested variances are not considered to impact parking or drainage on the property. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,



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Chinoye Sunny, Planner I