



## Report Committee of Adjustment

**Filing Date:** November 25, 2022

**Hearing Date:** January 3, 2023

**File:** A-2022-0378

**Owner/**

**Applicant:** Ashok Kumar Bodalia and Kaushikaben Bodalia

**Address:** 9 Ladysmith Street

**Ward:** WARD 9

**Contact:** Rajvi Patel, Assistant Development Planner

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### **Recommendations:**

That application A-2022-0378 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. The owner shall obtain a building permit for the existing side door within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
  3. That the side door shall not be used as a primary entrance to a second dwelling unit;
  4. That Variance 3 for the reduction of permeable landscaping be refused;
  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 (R1F-9.0-2368)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicants are requesting the following variances:

1. To permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.6m (1.97 ft.) is provided extending from the front wall of the dwelling up to the door whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door;
2. To permit a driveway width of 8.03m (26.35 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
3. To provide 0.0m of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

### **Current Situation:**

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

The subject lands are designated 'Residential' in the Official Plan and 'Low Density Residential' in the Countryside Villages Secondary Plan (Area 48b). The Residential designation supports the current use and the requested variances are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and is 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 subject lands are currently zoned 'Residential Single Detached F-9.0,' Special Section 2368 (R1F-9.0-2368), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an above grade door in the side wall of a dwelling where a minimum side yard width of 0.6m (1.97 ft.) is provided extending from the front wall of the dwelling up to the door, whereas the by-law does not permit a door in the side wall unless there is a minimum side yard width of 1.2m (3.94 ft.) extending from the front wall of the dwelling up to and including the door. The intent of the by-law in requiring a minimum setback of 1.2m (3.94 ft.) from the side yard to an above grade door where access is provided through a door located in the side yard or rear yard is to ensure that there is sufficient access to the dwelling for both every day and emergency purposes.

The first variance is related to the interior side yard setback and 0.6m (1.97 ft.) provides sufficient space for drainage and access to the rear yard. The reduced interior side yard setback 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 a driveway width of 8.03m (26.35 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 for an excessive number of vehicles to be parked in the front of the dwelling.

The existing driveway has a width of 8.03 m (26.35 ft.). Given the configuration and width of the existing hard surface which forms part of the widened driveway, staff do not anticipate that there would be sufficient space for additional vehicles to park on the paved surface. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit 0.0m of permeable landscaping abutting the side property line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line. The intent of the by-law requiring a minimum permeable landscape strip is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted. The elimination of the permeable landscape strip along the side lot line and cumulative hardscaping on the property creates an abundance of hard surfacing throughout the property which can potentially lead to drainage issues. The variance does not 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 permit a reduced interior side yard setback to an existing above grade door. The variance is not considered to have negative impacts to the property or adjacent properties. A condition of approval is recommended that the entrance to the dwelling is not used for a second unit dwelling. A further condition of approval is recommended that the owner shall obtain a building permit for the side door within 60 days of the decision of approval or as extended by the Chief Building Official. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit a driveway width of 8.03m (26.35 ft.), comprised of an existing paved surface which extends from the driveway to the stairway entrance and side yard. The driveway extension will not result in additional vehicles from parking on the paved surface. The variance is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit 0.0m of permeable landscaping along the side lot lines. In addition to the extended paved driveway surface, a majority of the site is hardscaped which results in the loss of permeability for site drainage. Variance 3 is not considered desirable and appropriate for the development of the land.

### 4. Minor in Nature

Variances 1 and 2 which propose to accommodate a reduced interior side yard setback and increase in driveway width are not anticipated to result in adverse impacts on access to the rear yard or facilitate the parking of additional vehicles. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Variance 3 regarding the elimination of permeable landscaping represents a substantial change with potential negative drainage impacts as most of the property has hardscaping and is therefore not considered to be minor in nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Assistant Development Planner