



Report Committee of Adjustment

Filing Date: December 9, 2022

Hearing Date: January 24, 2023

File: A-2022-0394

**Owner/
Applicant:** CHARANJEET SANDHU AND KULJEET KAUR SANDHU

Address: 12 Callalily Road

Ward: WARD 2

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2022-0394 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 below grade entrance shall not be used to access an unregistered second unit;
 3. That the applicant provides a side yard drainage design that ensures that the drainage from the applicant's side yard follows the approved drainage design for the property, is contained within the subject property, and does not impact the adjacent lands;
 4. That the owner shall obtain a building permit for the below grade entrance within 60 days of the decision of approval; and
 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 Semi-Detached (R2E-8.5-3464)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance in the required interior side yard whereas the by-law does not permit a below grade entrance in the required interior side yard
2. To permit an interior side yard setback of 0.15m (0.50 ft.) to the below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit an existing driveway width of 8.21m (26.93 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.);
4. To permit a permeable landscaping strip of 0.15m (0.50 ft.) whereas the by-law requires a minimum of 0.6m (1.97 ft.) permeable landscaping strip abutting one property line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and is further designated 'Low/Medium Density Residential' in the Northwest Sandalwood Parkway Secondary Plan (Area 2a). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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

Variance 1 is requested to permit a below grade entrance in the interior side yard setback whereas the by-law prohibits below grade entrances in the interior side yard setback. Variance 2 is requested to permit an interior side yard setback of 0.15m (0.50 ft.) to the below grade entrance whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in requiring a minimum amount of interior side yard setback is to ensure sufficient space is provided to allow for drainage and access to the rear yard. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit and that the applicant provide a side yard drainage design that ensures that the drainage from the applicant's side yard follows the approved drainage design for the property, is contained within the subject property, and does not impact the adjacent lands. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing driveway width of 8.21m (26.93 ft.) whereas the by-law permits a maximum driveway width of 5.2m (17 ft.). Variance 4 is requested to permit a permeable landscaping strip of 0.15m (0.50 ft.) whereas the by-law requires a minimum of 0.6m (1.97 ft.) permeable landscaping strip abutting one property line. The intent of the by-law in regulating the maximum permitted driveway width and requiring a minimum permeable landscaped strip abutting one property 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 driveway does not allow an excessive number of vehicles to be parked in front of the dwelling.

The existing driveway width is 3.01m (9.8 ft.) wider than 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. Furthermore, the existing driveway's curved design allows for the property to maintain its existing street tree and landscaped open space, which also prevents additional vehicles from being parked. Therefore, regardless of the wider driveway dimensions and reduced permeable landscaping strip, the overall design and layout of the driveway prevents any additional vehicles from being parked. While the driveway does not maintain the full front yard landscaping requirements, the existing conditions of the driveway are not out of character for the area. Subject to the recommended conditions of approval, Variances 3 and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to permit existing site conditions for driveway width, the existing location of a below grade entrance, a reduced interior side yard setback, and a reduced permeable landscaping strip. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. Subject to the recommended conditions of approval, Variances 1, 2, 3, and 4 are desirable for the appropriate development of the land.

A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit and that the owner shall obtain a building permit for the below grade entrance within 60 days of approval. Furthermore, a condition of approval that the applicant provides a side yard drainage design that ensures that the drainage from the applicant's side yard follows the approved drainage design for the property, is contained within the subject property, and does not impact the adjacent lands is also recommended.

4. Minor in Nature

The existing location of the below grade entrance and reduced interior side yard setback are not considered to impact access to the rear yard or drainage on adjacent properties. Staff have determined that sufficient space is provided to allow for drainage and access to the rear yard, no negative impacts to drainage or access are anticipated, and that the below grade entrance is appropriate given the site context.

Subject to the recommended conditions of approval, Variances 1, 2, 3 and 4 are considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner