



Report Committee of Adjustment

Filing Date: December 09, 2022

Hearing Date: January 24, 2023

File: A-2022-0396

**Owner/
Applicant:** INDARJIT RAMLAGAN & KALOUTI RAMLAGAN

Address: 162 Luella Cres

Ward: WARD 6

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0396 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 3 for a driveway width of 7.5 m (24.60 ft.) be refused;
 3. That the below grade entrance shall not be used to access an unregistered second unit and,
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Correspondence has been received from MHBC Planning on behalf of TransCanada Pipelines Limited outlining their support for variances 1 and 2. The applicant is to apply for written consent from TransCanada Pipelines Limited for the below-grade entrance and adhere to the regulatory requirements for any work within 30 metres of the pipeline right-of-way as stated in the correspondence.

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-1162)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance with a setback of 9.7m (31.82 ft.) to the TransCanada Pipeline right-of-way whereas the by-law does not permit any permanent structures and excavations within 10.0m (32.80 ft.) of the limit of the TransCanada Pipeline right-of-way;
2. To permit a rear yard setback of 0.6m (1.97 ft.) to an existing accessory structure (shed) whereas the by-law does not permit any permanent structures within 10.0m (32.80 ft.) of the limit of the TransCanada Pipeline right-of-way;
3. To permit an existing driveway width of 7.5m (24.60 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44). The nature and extent of the proposed 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 with a setback of 9.7m (31.82 ft.) to the TransCanada Pipeline right-of-way whereas the by-law does not permit any permanent structures and excavations within 10.0m (32.80 ft.) of the limit of the TransCanada Pipeline right-of-way. Variance 2 is requested to permit a rear yard setback of 0.6m (1.97 ft.) to an existing accessory structure (shed) whereas the by-law does not permit any permanent structures within 10.0m (32.80 ft.) of the limit of the TransCanada Pipeline right-of-way. The intent of the by-law in prohibiting any structure in the TransCanada Pipeline right-of-way is to provide adequate distance from the infrastructure feature and ensure there is no negative impacts.

The applicant is proposing to construct a below grade entrance and having an existing accessory structure (shed) encroach into the required setback to the TransCanada Pipeline. The below grade entrance nor the existing shed are expected to negatively impact the pipeline and adequate distance will be provided from the stairway to the pipeline. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. 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 7.5m (24.60 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 subject property currently contains a double car garage. Furthermore, it would appear the current driveway at the allowable 6.71m (22 ft.) can accommodate a minimum of two vehicles, allowing for a minimum of four vehicles to be parked without the need of a variance to the driveway width. The widened area of the driveway leads into a walkway for the main entrance of the dwelling. Upon conducting a site visit, staff noticed a vehicle parked in this area (See Appendix A) which blocks the access to the main entrance. In this respect the widened area of the driveway undermines the overall intent of the by-law as noted above. Variance 3 is not considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting a variance to facilitate the construction of a proposed below grade entrance with a 9.7m (31.82 ft.) setback and an existing accessory structure with a 0.6m (1.97 ft.) setback to the TransCanada Pipeline right-of-way. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Subject to the recommended condition of approval, variances 1 and 2 are considered desirable for the appropriate development of the land.

The widening of the driveway to accommodate extra vehicle parking will have negative impacts on streetscape. Upon conducting a site visit, staff observed that the driveway has already been widened but not fully paved. The proposed driveway would facilitate an excess number of vehicles to be parked in front of the dwelling. Variance 3 is not desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance for the construction of a below grade entrance and the existing shed to encroach into the TransCanada Pipeline right-of-way is not considered to have significant negative impact on to the infrastructure. Subject to the recommended conditions of approval, variances 1 and 2 are considered minor in nature.

The variance to allow an increase in driveway width contributes to a driveway area that facilitates the parking of additional vehicles in front of the dwelling and its front entrance. The requested variance is not considered to be minor in nature.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner

APPENDIX A



