



## Report Committee of Adjustment

**Filing Date:** October 18<sup>th</sup>, 2022  
**Hearing Date:** January 24<sup>th</sup>, 2023  
**File:** A-2022-0339  
**Owner/  
Applicant:** Nachhattar Singh and Malkit Singh  
**Address:** 399 Ray Lawson Blvd.  
**Ward:** 4  
**Contact:** Rabia Ahmed, Planner I

---

### **Recommendations:**

That application A-2022-0339 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision (see appendix A for a revised sketch);
  2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

#### Existing Zoning:

The property is zoned 'Residential Single Detached B,' subject to Special Section 2595 (R1B-2595), according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variance:

1. To permit an existing driveway width of 18.18m (59.65 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 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 and Medium Density' in the Fletcher's Creek South Secondary Plan (Area 24). 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 maintains 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,' subject to Special Section 2595 (R1B-2595), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an existing driveway width of 18.18m (59.65 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 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 existing driveway is 9.04m (29.65 ft) wider than permitted in the by-law, when including the hardscaped patio area which is large enough to accommodate a small parked vehicle. The concrete patio area is continuous with the driveway and large enough to park an additional vehicle therefore, when the site was assessed the patio length was included as part of the cumulative driveway width of 18.18m (59.65 ft). Although potentially able to accommodate a parked vehicle, the hardscaped patio does not appear to function as part of the driveway from the street, and does not appear to dominate the front yard. In addition, the applicant has elected to erect a metal post/ lamppost to further separate the patio area from the driveway (see appendix A); this addition will help to ensure that the patio area cannot be used for the parking of additional vehicles. The portion of the driveway that is easily identified and accessible for vehicle parking measures 11.43m (37.5 ft) at the garage and 11.27m (36.97 ft) at the interior edge of the sidewalk. Furthermore, there is sufficient soft landscaping in the front yard and along the side lot lines of the subject property to accommodate drainage on the site without impacting adjacent properties.

The subject property is located next to a commercial plaza, with a vehicular access to the plaza adjacent to the property. Considering the number of vehicles turning into the adjacent plaza, and the potential for an increased number of vehicles parked at or entering and exiting the subject property, staff expressed concern that the large driveway width would pose a safety concern (please see images attached as appendix B). Vehicles entering and exiting the subject driveway have limited sightlines into the adjacent plaza entrance, increasing the potential for accidents. However, the driveway width tapers as it approaches the street curb, with an existing width at the curb of approximately 9.82m (32.22 ft). Although the width of the driveway may allow a number of vehicles to be parked in the driveway, the narrowed width at the curb helps to limit the number of vehicles entering and exiting the driveway. At the curb, the driveway variance is 0.68m (2.23 ft) from the maximum permitted by the bylaw. The narrowed width at the curb helps to address the safety concern noted above by reducing the number of vehicles entering and exiting the property. Furthermore, the existing driveway width is in line with the existing character of the neighbourhood, and relative to adjacent properties, the extended driveway does not dominate the front yard nor does it appear to facilitate an excessive number of vehicles to be parked at the subject property. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The existing driveway width, although large, is in keeping with the character of the neighbourhood and adjacent properties. The safety concerns identified by staff are mitigated by the tapered configuration of the driveway, which reduces the width of the access at the curb to 9.82m (32.22 ft), which is 0.68m (2.23 ft) over the permitted width in the bylaw. The hardscaped patio area does not appear to dominate the front yard, and sufficient soft landscaping is available to allow for appropriate drainage. Considering these mitigating factors, the requested variance may be considered desirable for the appropriate development of the land.

### 4. Minor in Nature

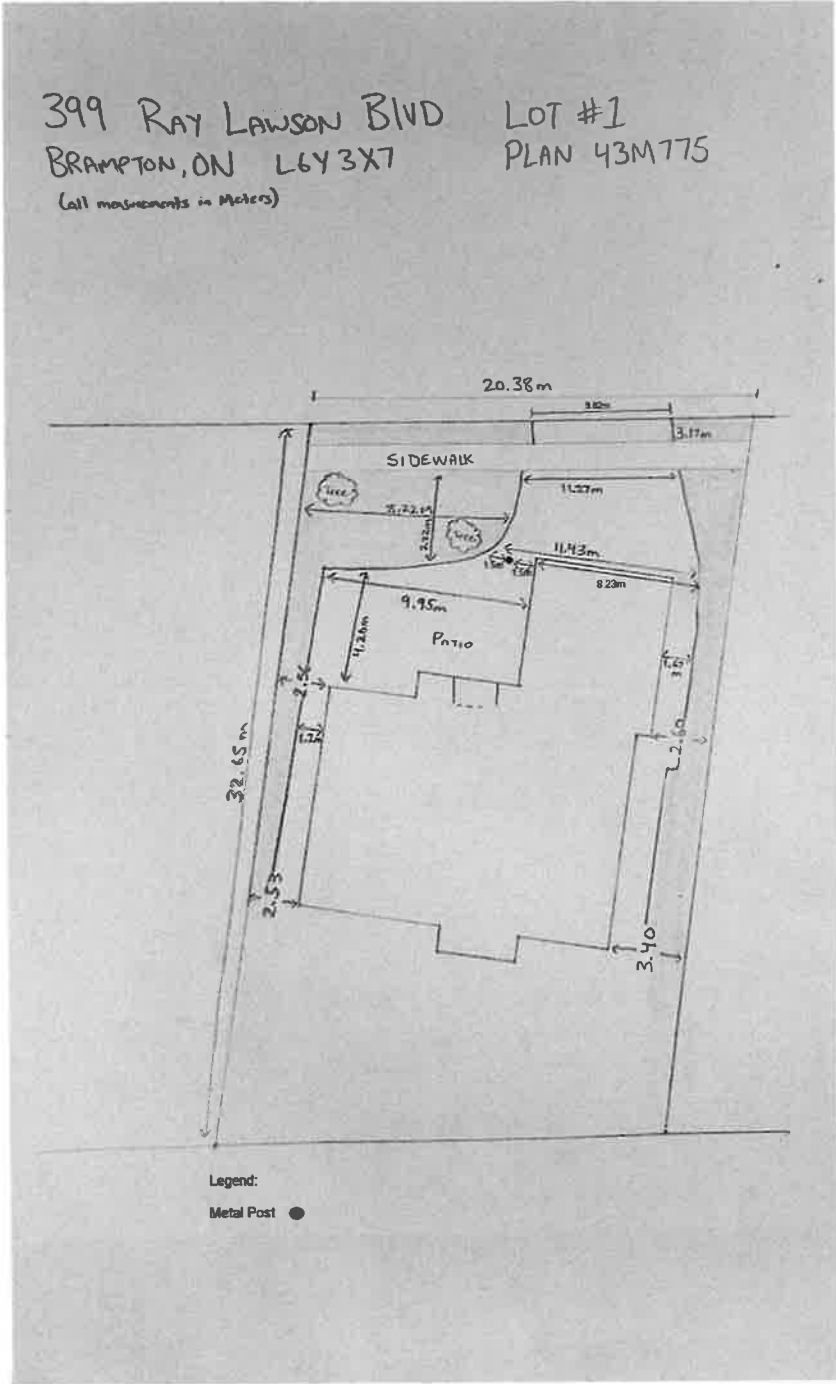
The variance is requested to permit of driveway width 9.04m (29.65 ft) over the width permitted in the zoning by-law. Considering that the hardscaped patio area, although technically included in the measurement of the driveway, does not appear to be part of the driveway when viewing the subject property from the street; the patio area will be made inaccessible for vehicle parking by way of a metal post/ lamppost installed by the applicant (see appendix A); the driveway does not dominate the front yard, as sufficient soft landscaping is provided in the front yard; and the portion of the driveway easily identifiable and accessible for vehicle parking is 11.43m (37.5 ft) at the garage and 11.27m (36.97 ft) at the interior edge of the sidewalk, the requested variance for the driveway width in practice is significantly smaller than 9.04m (29.65 ft). Furthermore, the width of the driveway tapers to 9.82m (32.22 ft) at the curb, resulting in a 0.68m (2.23 ft) variance from the bylaw-permitted maximum width of 9.14m (30 ft) at the entrance to the driveway. Considering these mitigating factors, the requested variance may be considered minor in nature.

Respectfully Submitted,

*Rabia Ahmed*

Rabia Ahmed, Planner I

Appendix A



Appendix B

