

**Filing Date:** March 20, 2018  
**Hearing Date:** November 10, 2020

**File:** A18-057

**Owner/  
Applicant:** ANDRZEJ BEBNOWSKI

**Address:** 20 West Street

**Ward:** 1

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That application A18-057 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 Public Notice;
2. That the owner finalize site plan approval under City File SP18-041.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
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:**

Existing Zoning:

The property is zoned "Residential Extended One (R2B(1))" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a double duplex dwelling (4 units) on a lot having a width of 19.31m (63.35 ft.) whereas the by-law requires a minimum lot width of 20.0m (65.62 ft.) for a double duplex dwelling;

2. To permit eight (8) parking spaces in the rear yard whereas the by-law does not permit the rear yard to be paved for the purpose of parking, except on a driveway leading to a garage;
3. To permit a drive aisle width of 3.1m (10.17 ft.) for two-way traffic leading to the proposed parking area in the rear yard whereas the by-law requires a minimum drive aisle width of 6.0m (19.68 ft.) for two-way traffic.

### **Current Situation:**

1. Conforms to the Intent of the Official Plan  
Populate

2. Conforms to the Intent of the Zoning By-law  
The property is zoned "Residential Extended One (R2B(1))" according to By-law 270-2004, as amended.

Variance 1 to permit a double duplex dwelling (4 units) on a lot having a width of 19.31m (63.35 ft.) whereas the by-law requires a minimum lot width of 20.0m (65.62 ft.) for a double duplex dwelling. The intent of the by-law in requiring a minimum lot width for a certain dwelling type is to ensure that the lot is of an appropriate size for the dwelling type. The proposed reduction of 0.69m (2.2 ft) is not anticipated to negatively impact the lot's ability to facilitate the double duplex dwelling type. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit eight (8) parking spaces in the rear yard whereas the by-law does not permit the rear yard to be paved for the purpose of parking, except on a driveway leading to a garage. The intent of the by-law in prohibiting the rear yard to be paved for the purposes of parking is to ensure that amenity space is provided for the residential property, and that some landscaped area is maintained for the property. In the case of the proposed double-duplex dwelling, amenity space will be provided within the building for the residents of the building. Further, the paved area is designed in a way that preserves some of the mature trees on the property. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit a drive aisle width of 3.1m (10.17 ft.) for two-way traffic leading to the proposed parking area in the rear yard whereas the by-law requires a minimum drive aisle width of 6.0m (19.68 ft.) for two-way traffic. The intent of the by-law in requiring a minimum aisle width for two way traffic is to ensure that traffic can flow freely on a property where there are a large number of vehicles in motion. In the case of the subject property, the "drive aisle" that is subject to the minor variance request is more consistent with the character of a residential driveway, given the character of the property and proposal. A condition of approval is recommended that the applicant

finalize the existing site plan, through which Transportation Planning staff have provided their clearance of the driveway design. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the Zoning By-law.

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

Variance 1 is to permit a reduced lot width for a lot containing a double duplex dwelling. The proposed reduction will not negatively impact the function of the property and is reflective of the existing lot size. A condition of approval is recommended that the applicant finalize the current Site Plan Application for the property in order to ensure that the design of the dwelling and overall property is appropriate for the neighbourhood. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is permit eight (8) parking spaces in the rear yard whereas the by-law does not permit the rear yard to be paved for the purpose of parking, except on a driveway leading to a garage. The variance is intended to facilitate the provision of parking for the permitted double duplex dwelling which is proposed to be constructed on the property. The paved area is designed in a way that avoids the removal of some mature trees on the property, and amenity space for the property is provided within the building in community spaces. Subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is to permit a drive aisle width of 3.1m (10.17 ft.) for two-way traffic leading to the proposed parking area in the rear yard whereas the by-law requires a minimum drive aisle width of 6.0m (19.68 ft.) for two-way traffic. In the case of the subject property, the "drive aisle" functions more similarly to a residential driveway in that it is not intended to facilitate a mass amount of vehicles. Additionally, within the parking area, a 6.6m (21.65 ft) drive aisle is provided where vehicles will be reversing and turning. The width of the drive aisle leading to the parking area is not anticipated to negatively impact the traffic flow of the property. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

Variance 1 proposes a reduction in minimum required lot width of 0.69m (2.2 ft) which will be virtually imperceptible from a visual and functional point of view, and is not anticipated to negatively impact the development of the property. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 2 to permit eight (8) parking spaces in the rear yard whereas the by-law does not permit the rear yard to be paved for the purpose of parking, except on a driveway leading to a garage. The proposed location of the parking will be screened from the street by the proposed building, and further the extent of the paving will be reviewed through the Site Plan Application that the owner is currently undertaking. In order to ensure that there are no negative impacts on adjacent properties resulting from the paving, a condition of approval is recommended that the owner finalize site plan

approval under City File SP18-041.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services to allow for a fulsome engineering review. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Variance 3 to permit a reduced drive aisle width relates to the proposed driveway for the residential property. Due to the lower traffic nature of the proposed residential building, the width of the functional driveway is not anticipated to negatively impact the overall function of the property. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I, Development