



Report Committee of Adjustment

Filing Date: January 10th, 2023
Hearing Date: February 14th 2023

File: A-2023-0005
**Owner/
Applicant:** DALJIT KAUR BAL, HARJINDER SINGH BAL, AND HARLEEN KAUR BAL

Address: 30 Marine Drive

Ward: WARD 9

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0005 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 the below grade entrance shall not be used to access an unregistered second unit;
 3. That Variance 3 to permit a shed located 0.15m (0.49 ft) from the side and rear lot line be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a 0.60m (2.0 ft) setback between the side/rear lot line and the edge of the shed;
 4. That Variance 4 to permit 0.0m (0.0 ft) of permeable landscaping between the driveway and the side lot line whereas the by-law requires a minimum of 0.60m (2.0 ft) of permeable landscaping between the driveway and the side lot line be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a 0.30m (1.0 ft) permeable landscaping strip between the driveway and the side lot line;
 5. That the owner shall obtain a building permit within 60 days of the decision of approval; and
 6. 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 D Special Section 751 (R1D-751)', 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 a below grade entrance in the interior side yard having a setback of 0.06m (0.20 ft), whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft);
3. To permit a shed located 0.15m (0.49 ft) from the side and rear lot line, whereas the By-Law requires an accessory structure to be setback a minimum of 0.60m (2.0 ft) to a lot line; and
4. To permit 0.0m (0.0 ft) of permeable landscaping between the driveway and side lot line, whereas the By-law requires a minimum of 0.60m (2.0ft) of permeable landscaping between the side lot line and the driveway.

A revised site plan was provided by the applicant on February 6th, 2022 (Appendix A), showcasing a 0.30m (1.0 ft) permeable landscaping strip between the driveway and side lot line and a 0.60m (2.0 ft) setback between the side/rear lot line and the edge of the shed. Therefore, Variance 3 is no longer needed and Variance 4 is amended to permit a 0.30m (1.0 ft) of permeable landscaping between the driveway and side lot line.

Current Situation:

1. 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 1' in the Springdale Secondary Plan (Area 2). 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 required interior side yard, whereas the by-law does not permit a below grade entrance in the required interior side yard. Variance 2 is requested to permit an interior side yard setback having a setback of 0.06m (0.20 ft), whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft). The intent of the by-law in prohibiting below grade entrances in the interior side yard and requiring a minimum amount of interior

side yard setback is to ensure that sufficient space is provided to allow for drainage and access to the rear yard. The existing below grade entrance includes three steps down and three steps up, thus providing a continuous path of travel 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. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a shed located 0.15m (0.49 ft) from the side and rear lot line, whereas the By-Law requires an accessory structure to be setback a minimum of 0.60m (2.0 ft) to a lot line. The intent of the by-law in requiring a minimum setback to an accessory structure is to ensure that sufficient space is provided to allow for drainage and access for maintenance. Engineering staff concluded that the 0.45m (1.51 ft) reduction of side/rear yard setback from the shed does not provide sufficient space for drainage. Moreover, the limited setback of 0.15m does not provide adequate space for maintenance of the shed or fence, thus undermining the overall intent of the by-law. Staff recommend that Variance 3 be refused and that the revised site plan provided by the applicant (Appendix A) showcasing a 0.60m (2.0 ft) setback between the side/rear lot line and the edge of the shed be approved.

Variance 4 is requested to permit 0.0m (0.0 ft) of permeable landscaping between the driveway and side lot line, whereas the By-law requires a minimum of 0.60m (2.0 ft) of permeable landscaping between the side lot line and the driveway. The intent of the by-law in requiring minimum permeable landscaping is to ensure that sufficient space is provided to allow for drainage and that the property is not dominated by hardscaping. The current site condition has substantial hardscaping; therefore, staff recommend that a 0.30m (1.0 ft) permeable landscaping strip between the driveway and the side lot line be approved to provide soft scaping for the front yard. Staff recommend that Variance 4 be refused and that the revised site plan provided by the applicant (Appendix A) showcasing a 0.30m (1.0 ft) permeable landscaping strip between the driveway and the side lot line be approved to ensure appropriate development of the land.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to allow for a below grade entrance in the required interior side yard and an interior side yard setback that exceeds the requirements of the Zoning By-Law. While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied that an unobstructed path of travel to access the rear yard can be maintained through the inclusion of three risers down and three risers up Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

Variance 3 is requested to permit a shed located 0.15m (0.49 ft) from the side and rear lot line. Staff finds this variance undesirable for the appropriate development of the land due to lack of sufficient space for drainage and closeness of the accessory structure to neighboring lot lines does not provide enough space for access to the exterior of the shed and fence for maintenance. Staff recommend that Variance 3 be refused and that the revised site plan provided by the applicant (Appendix A) showcasing a 0.60m (2.0 ft) setback between the side/rear lot line and the edge of the shed be approved.

Variance 4 is requested to permit 0.0m (0.0 ft) of permeable landscaping between the driveway and side lot line. Staff finds this variance undesirable for the appropriate development of the land due to lack of sufficient space for drainage and soft landscaping. Staff recommend that Variance 4 be refused and that the revised site plan provided by the applicant (Appendix A) showcasing a 0.30m (1.0 ft) permeable landscaping strip between the driveway and the side lot line be approved to ensure appropriate development of the land.

4. Minor in Nature

The proposed reduced interior side yard setback to permit a below grade entrance is not considered to impact access to the rear yard or drainage on adjacent properties, as adequate drainage and access to the rear yard are maintained through the three-step riser. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Variance 3 is requested to permit an existing shed having a side and rear yard setback of 0.15m (0.50 ft.), whereas the by-law requires a minimum setback of 0.60m (2.0 ft.) to the nearest lot lines for an accessory structure. The requested variance is not minor in nature as it does not provide adequate area for drainage or access for maintenance of the shed or fencing. As such, staff recommend refusal of the proposed Variance 3 and that the revised site plan provided by the applicant (Appendix A) showcasing a 0.60m (2.0 ft) setback between the side/rear lot line and the edge of the shed be approved.

Variance 4 is requested to permit 0.0m of permeable landscaping between the driveway and the side lot line, whereas the by-law requires a minimum 0.60m (2.0 ft.) of permeable landscaping between the driveway and the side lot line. The requested variance is not minor in nature as it does not provide sufficient soft scaping on the front yard as the existing condition of the front yard area is predominantly concrete between the driveway and side lot line. Therefore, staff recommends that Variance 4 be refused and that the revised site plan provided by the applicant (Appendix A) showcasing a 0.3m (1.0 ft) permeable landscaping strip between the driveway and the side lot line be approved to ensure appropriate development of the land.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix B – Site Visit Photos:

