



Report Committee of Adjustment

Filing Date: February 8th, 2023

Hearing Date: March 7th, 2023

File: A-2023-0043

Owner/

Applicant: ANIEL BALLIRAM, SEERITA SEEPERSAD, & KAMLA SEEPERAD

Address: 70 RIVER ROCK CRESCENT

Ward: WARD 1

Contact: Samantha Dela Pena, Assistant Development Planner

Recommendations:

That application A-2023-0043 is supportable in part, 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;
 2. That Variance 2 to permit an existing driveway width of 11.75m (38.56 ft.), whereas the by-law permits a maximum driveway width of 6.71m (22.0 ft) be refused. Staff recommend that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a proposed 6.96m (22.83 ft) driveway width measured from the curb to the curbed edge of the raised walkway area;
 3. That the owner shall obtain a building permit within 60 days of the decision of approval; 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:

Existing Zoning:

The property is zoned 'C Special Section 1006 (R1C-1006)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (gazebo) with a gross floor area of 24.4 sqm. (262.64 sqft.), whereas the by-law permits a maximum gross floor area of 15.0 sqm. (161.46 sqft.) for an individual accessory structure;
2. To permit an existing driveway width of 11.75m (38.56 ft.), whereas the by-law permits a maximum driveway width of 6.71m (22.0 ft);
3. To permit 0.2m (0.66 ft.) of permeable landscaping abutting the side property line whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping abutting the side property line; and
4. To permit a fence along the rear property line having a maximum height of 2.34m (7.68 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and further designated 'Medium Density Residential' in the Fletcher's Meadow Secondary Plan (Area 44). 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 an accessory structure (gazebo) with a gross floor area of 24.4 sqm. (262.64 sqft.), whereas the by-law permits a maximum gross floor area of 15.0 sqm. (161.46 sqft.) for an individual accessory structure. The intent of the by-law in regulating the maximum permitted floor area of an accessory structure is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property. As per site visit conducted by Staff (see Appendix B), Staff are of the opinion that despite the increased maximum gross floor area requirements for an individual accessory structure, the existing structure does not negatively impact the provision of outdoor amenity space. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning by-law.

Variance 2 is requested to permit an existing driveway width of 11.75m (38.56 ft.), whereas the by-law permits a maximum driveway width of 6.71m (22.0 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/or allow an excessive number of vehicles to be parked in front of the dwelling. Staff recommend that Variance 2 be refused, and that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a 6.96m (22.83 ft) driveway width measured to the proposed curbed edge of a raised walkway area. As per review of the revised site plan provided by the applicant (Appendix A), the existing paved walkway area is proposed to be raised 7.5 inches in order to meet the first riser step leading to the main front door entrance. As such, Staff are of the opinion that the curbed edge of the proposed raised walkway area clearly delineates the walkway

area from the driveway and thus does not allow an excessive number of cars to be parked in front of the dwelling. Therefore, Staff recommend that Variance 2 be refused, and that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a proposed 6.96m (22.83 ft) driveway width measured to the edge of the proposed raised walkway area in order to ensure that an excessive amount of vehicles are not parked in front of the dwelling, a sufficient front yard landscaping area is maintained, and that an unobstructed path of travel to the main entrance is provided.

Variance 3 is requested to permit 0.2m (0.66 ft.) of permeable landscaping abutting the side property line, whereas the by-law requires a minimum of 0.6m (1.97 ft.) of permeable landscaping abutting the side property line. 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. After review of the requested variance, 0.2m (0.66 ft.) of permeable landscaping was determined by Staff to provide a sufficient space area for both drainage and softscaping. Furthermore, the proposed curved design of raised walkway area allows for the property to maintain its front yard landscaped open space, which also prevents additional vehicles from being parked. Despite a slight increase in the driveway width and reduced permeable landscaping requirements, the overall design and layout of the entrance walkway / driveway ensures the property is not dominated by hardscaping or excessive vehicle parking. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent and purpose of the Zoning by-law.

Variance 4 is requested to permit a fence along the rear property line having a maximum height of 2.34m (7.68 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.). The intent of the Zoning By-law in regulating maximum fence heights of residential properties is to ensure that fences do not create adverse impacts (i.e., obstructing views or impeding sunlight) on surrounding properties. After a site visit conducted by Staff, the 0.34m (1.12 ft) increase in fence height along the rear property line does not raise any staff concerns in regard to obstructing neighbouring views or impeding sunlight. Moreover, the increase in fence height will provide adequate screening to the accessory structure (gazebo). Subject to the recommended conditions of approval, Variance 4 is considered to maintain the general intent and purpose of the Zoning by-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is seeking to permit existing site conditions for increased maximum gross floor area requirements for an individual accessory structure. Variance 4 is seeking to permit existing site conditions for increased fence height along the rear property line. While gross floor area requirements of the Zoning By-law are not maintained, as the existing structure is proposed to be used as an at-grade outdoor gazebo, Staff are satisfied that sufficient outdoor amenity space is maintained on the property. Staff are also of the opinion the existing fence height along the rear property line does not negatively impact the neighbouring property to the rear. Moreover, the existing fence also properly screens the proposed gazebo accessory structure in a manner that allows for the increase in gross floor area without any negative impact on abutting properties. Subject to the recommended conditions of approval, Variances 1 and 4 are considered desirable for the appropriate development of the land.

Variances 2 is seeking to permit existing site conditions for an increased maximum driveway width. Staff finds this variance undesirable for the appropriate development of the land due to the potential for an excessive number of cars to be parked in front of the dwelling. Staff recommend that Variance 2 be refused, and that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a proposed 6.96m (22.83 ft) driveway width measured to the curbed edge of the proposed raised walkway area in order to ensure appropriate development of the land.

Variance 3 is requested to permit existing site conditions for a reduced permeable landscaping strip of 0.2m (0.66 ft). While full landscaping requirements of the Zoning By-law are not maintained, staff are of the opinion that the existing design and layout of the entrance walkway / driveway ensures the property is not dominated by hardscaping or excessive vehicle parking. Furthermore, the proposed curved design of the raised walkway area allows for the property to further maintain front yard landscaped open space, which also prevents additional vehicles from being parked. Subject to the recommended conditions of approval, Variance 3 is considered desirable for the appropriate development of the land.

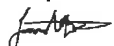
4. Minor in Nature

Variances 1 and 4 seek to permit existing site conditions for increased maximum gross floor area requirements for an individual accessory structure and increased fence height requirements. Staff are of the opinion sufficient outdoor amenity area for the property is maintained, as proposed use of the accessory structure as a gazebo still allows the facilitation of outdoor amenities for the property. Moreover, staff are supportive of the 0.34m (1.12 ft) increase in fence height along the rear yard, as the existing fence screens the increased size of the proposed gazebo accessory structure in order to further ensure there is no negative impact on abutting properties. Subject to the recommended conditions of approval, Variances 1 and 4 are deemed minor in nature.

Variance 2 to permit an existing driveway width of 11.75m (38.56 ft.) obstructs a clear path of travel to the main entrance and would potentially allow an excessive number of cars to be parked in front of the dwelling. Staff recommend that Variance 2 be refused, and that approval be based on the revised site plan provided by the applicant (Appendix A) showcasing a proposed 6.96m (22.83 ft) driveway width measured to the curbed edge of the proposed raised walkway area in order to ensure that an excessive amount of vehicles are not parked in front of the dwelling and that an unobstructed path of travel to the main entrance is maintained.

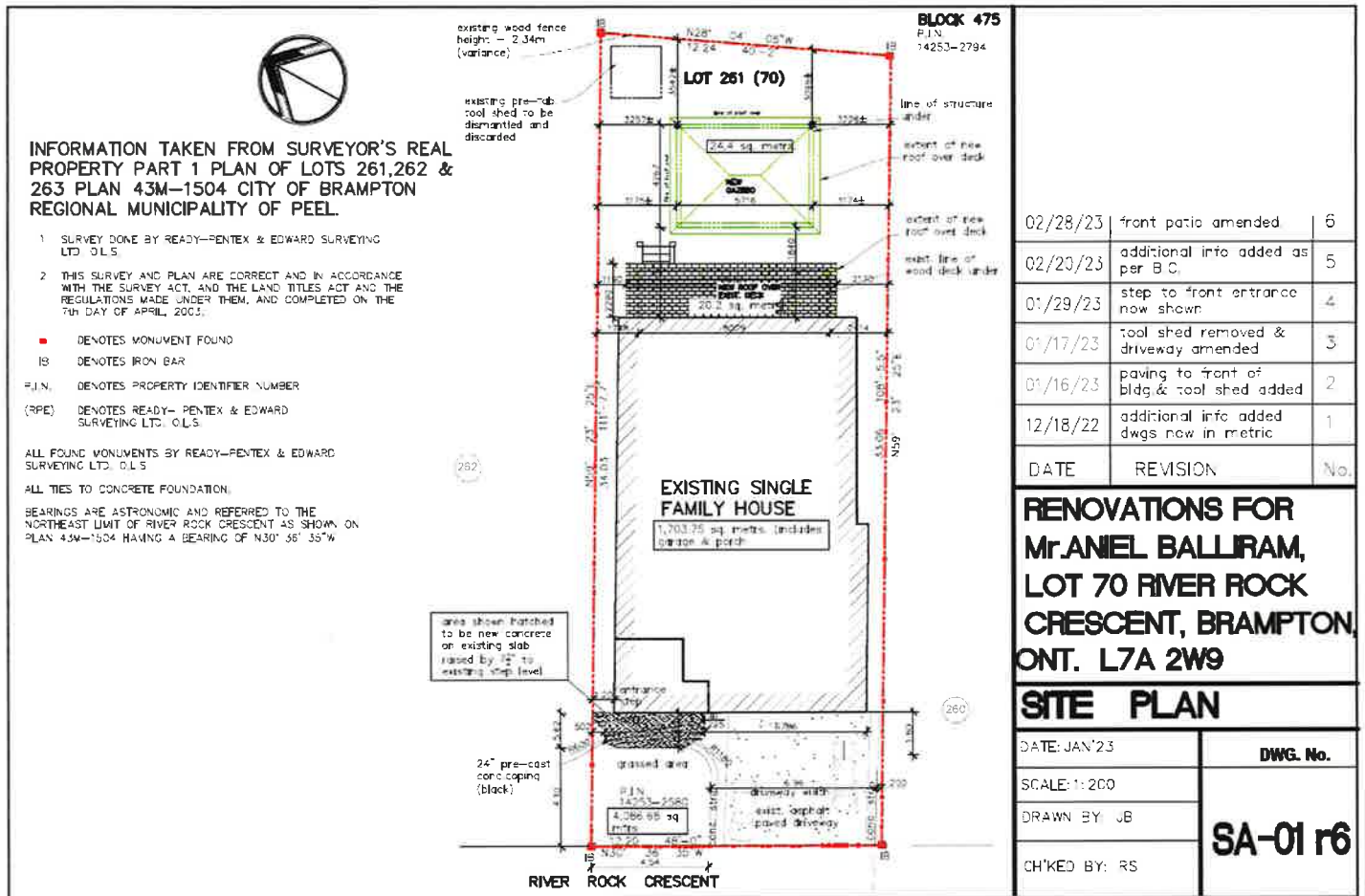
Variance 3 is requested to permit existing site conditions for a reduced permeable landscaping strip. As per the revised site plan provided by the applicant (Appendix A), Staff are of the opinion that the proposed curved design of the raised walkway area allows for the property to further maintain landscaping requirements on the property. Subject to the recommended conditions of approval, Variance 3 is deemed minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

Appendix A – Revised Site Plan:



Appendix B – Site Visit Photos:

