



Report Committee of Adjustment

Filing Date: January 23, 2023

Hearing Date: March 7, 2023

File: A-2023-0017

**Owner/
Applicant:** MANJIT BRAR

Address: 16 Stonemount Trail

Ward: WARD 9

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0017 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 1 to permit a driveway width of 8.67m (28.44 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.) be refused. Staff recommend that a driveway width measuring 7.31 metres (23.98 ft.) be approved;
 3. That a revised sketch depicting a driveway width measuring approximately 7.31 metres (23.98 ft.) inclusive of a reinstatement of the interlock area on the east side of the driveway with permeable landscaping be submitted and approved by the Director of Development Services within 60 days of the decision of approval or extended at the discretion of the Director of Development Services;
 4. That the Owner obtain a building permit for the existing shed and gazebo within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
 5. 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 F – Special Section 1927' (R1F-1927)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 8.67m (28.44 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
2. To permit an accessory structure (shed) having an area of 17.71 sq. m (190.62 sq. ft.) whereas the by-law permits a maximum area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure; and
3. To permit two accessory structures (shed and gazebo) with a combined area of 28.95 sq. m (311.61 sq. ft.) whereas the by-law permits a maximum combined area of 20 sq. m (215.28 sq. 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 Density Residential 1' in the Springdale Secondary Plan (Area 2). 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 driveway width of 8.67m (28.44 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). The intent of the by-law in regulating driveway width is to ensure that driveways, and the potential parking of vehicles that driveways can accommodate, does not dominate the streetscape and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling.

The existing concrete driveway was widened resulting in a total driveway width of 8.67m (28.44 ft.). Therefore, the existing driveway is 1.96m (6.44 ft.) wider than what the by-law permits. The widened area of the driveway leads into a walkway for the main entrance of the dwelling (Appendix A). The existing widened driveway occupies approximately 49.15% of the front yard and presents an abundance of hardscaping on the property. Additionally, the existing driveway facilitates sufficient space to park a third vehicle, which will block 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 1 is not considered to maintain the general intent of the Zoning By-law.

Staff are supportive of a driveway width measuring 7.31m (23.98 ft.) be approved. A condition of approval is recommended that a revised sketch depicting a driveway width measuring approximately 7.31 metres (23.98 ft.) inclusive of a reinstatement of the interlock area on the east side of the property with permeable landscaping be submitted and approved by the Director of Development Services.

Variance 2 is to permit an existing accessory structure (shed) having an area of 17.71 sq. m (190.62 sq. ft.) whereas the by-law permits a maximum area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure. Variance 3 is requested to permit two accessory structures (shed and gazebo) with a combined area of 28.95 sq. m (311.61 sq. ft.) whereas the by-law permits a maximum combined area of 20 sq. m (215.28 sq. ft.). The intent of the by-law in regulating the maximum permitted floor area of an accessory structure and the combined gross floor area is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property.

The accessory structures (shed and gazebo) are intended to enhance the amenity space in the rear yard and to provide enclosed storage. The existing shed is 2.21 sq. m (29.16 sq. ft.) larger than what the by-law permits. Additionally, the owner is requesting a combined gross floor area of for the accessory structures that are 8.95 sq. m (29.16 sq. ft) larger than what the by-law permits. The design and nature of the accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the side of the property, the two (2) accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property. Variances 2 and 3 are 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 associated with the increased driveway width, resulting in existing site conditions which presents a substantial amount of hardscaping at the front of the property. The requested 1.22 meter (4.00 ft.) curb cut can facilitate the parking of an additional vehicle limiting access to the front of the dwelling. Variance 1 is not considered desirable for the appropriate for the development of the land.

The owner is requesting variances to allow existing site conditions relating to a shed, increased combined gross floor area of two accessory structures and to permit a widened driveway. The gross floor area of the shed and combined gross floor area of two accessory structures (shed and gazebo) are not considered to contribute to a significant loss of outdoor amenity space on the property. The accessory structures are located in the fenced rear yard and maintain all other applicable zoning requirements. A condition of approval is recommended that the owner obtain building permits for the accessory structures. Variances 2 and 3 pertaining to the accessory structures are considered desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an established residential area of the City. The requested variances to permit the existing accessory structures with increased gross floor area and increased combined gross floor area are not anticipated to negatively impact the provision of outdoor amenity space for the property or create adverse impacts on-site or off-site. Subject to the recommended conditions of approval, variances 2 and 3 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. Variance 1 is not considered to be minor in nature, staff are supportive of a revised driveway width of approximately 7.31 metres (23.98 ft.) subject to the applicant providing a revised sketch inclusive of a reinstatement of the interlock

area on the east side of the property with permeable landscaping be submitted and approved by the Director of Development Services..

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos

