

Filing Date: May 24, 2023
Hearing Date: June 20, 2022

File: A-2023-0169

**Owner/
Applicant:** PARMINDER DHALIWAL

Address: 47 Kootenay Place

Ward: WARD 10

Contact: Simran Sandhu, Planner I

Recommendations:

That application A-2023-0169 be refused.

Background:Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B-1049)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 5.15m (16.90 ft) to an attached garage whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft);
2. To permit a building to be located 8.87m (29.10 ft) from a Floodplain Zone whereas the by-law requires a minimum setback of 10m (32.80 ft) to a Floodplain Zone;
3. To permit a cumulative garage door width of 9.75m (32 ft) whereas the by-law permits a maximum garage door width of 5.5m (18 ft);
4. To permit a cumulative interior garage width of 11.69m (38.35 ft) whereas the by-law permits a maximum interior garage width of 6.4m (21 ft);

5. To permit a driveway width of 19.06m (62.53 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 Density Residential 1' in the Springdale Secondary Plan (Area 2). In section 4.2.1.14 under the general residential policy, the Official Plan states "that in accordance with the Development Design Guidelines, the City recognizes that the key elements of design for residential areas are:

- iii. Garage placement and driveway design including attached garages, lot widths related to attached garages, rear garages, rear yard garage locations and driveways".

Section 4.11.2.1.2 under the Urban Design section states that the design of the streetscape elements shall be co-ordinated to achieve the following objective to de-emphasize the importance of the car/garage on the streetscapes.

Policy 4.6.15.5.1.1 of the Official Plan states, "Development and site alternation shall not be permitted within a floodplain given the risk to public health and safety and/or property damage." The proposed attached garage will be encroaching into the floodplain zone, which can cause flooding risk to the proposed addition.

The Development Design Guidelines further outlines that the impacts of garages and driveways on the streetscape environment should be minimized. Garage widths shall be balanced within the proportions of the house and lot width they serve. The proposed variances have the effect of permitting a second attached garage on the subject property and is not considered to be balanced with the proportions with the existing dwelling and lot width. The guidelines also state that a setback of 6.0m shall be maintained to an attached garage. On lots 15.0 metres and greater, projecting garages will not be permitted. The subject site has a lot width of 15.3 metres and therefore a projecting garage shall not be permitted on the property, whereas the proposal contemplates an attached garage projecting from the side of the house.

The Development Design Guidelines also outline design criteria for driveways including, where residential lots abut open space or pedestrian links, their driveways should be located on the opposite side of the lot, farthest from the open space. The proposal is seeking to extend the existing driveway towards the abutting Floodplain Zone and public recreational trail which is contrary to the above noted design criteria.

The requested variances do not maintain the general intent and purpose of the Official Plan nor does the proposal for a second attached garage adhere to the City's Development Design Guidelines.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is to permit a front yard setback of 5.15m (16.90 ft) to an attached garage whereas the by-law requires a minimum front yard setback of 6.0m (19.68 ft). The intent of the by-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area. Although there is already sufficient space for parking on the existing driveway leading to the garage, the proposed driveway expansion leading to the new attached garage will provide additional parking options resulting in a significant loss of open landscape area in the front yard. The majority of the front yard would therefore be occupied by hardscaping, leaving minimal area for soft landscaping.

Variance 2 is to permit a building to be located 8.87m (29.10 ft) from a Floodplain Zone whereas the by-law requires a minimum setback of 10m (32.80 ft) to a Floodplain Zone. The intent of the by-law in providing adequate distance from the floodplain zone is to ensure the protection of environmental features and safety of the occupants in the event of a flood. The minimum setback from floodplain zones is also to ensure that no development takes place within an area that could be susceptible to flooding. The proposal is to build a second attached garage addition that will encroach 1.13m (3.7 ft) into the floodplain zone and could be exposed to flooding.

Variance 3 is to permit a cumulative garage door width of 9.75m (32 ft) whereas the by-law permits a maximum garage door width of 5.5m (18 ft). Variance 4 is to permit a cumulative interior garage width of 11.69m (38.35 ft) whereas the by-law permits a maximum interior garage width of 6.4m (21 ft). The intent of the by-law in maintaining a maximum garage door width and interior garage width is to ensure that the garage remains proportional to the rest of the dwelling and to minimize the visual impacts of the garage doors and to maintain a positive streetscape view. The proposed second attached garage in addition to the existing garage will dominate the dwelling, creating a typology that is uncharacteristic of residential areas. This will also create a negative streetscape view as majority of the front view will be dominated by the garage features and width of garage doors.

Variance 5 is to permit a driveway width of 19.06m (62.53 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. By regulating the maximum driveway width, it ensures that the driveway does not dominate the front yard landscaped area and that it be balanced by limiting the amount of parking to maintain the overall urban design outcomes of the City. Driveway designs such as the one proposed are typically acceptable in estate residential areas of the City for which the subject site is not. The subject property contains a double car garage and an existing driveway width of approximately 8.0m (26.24 ft). Furthermore, it would appear the driveway can accommodate a minimum of two vehicles, allowing for a minimum of four vehicles to be parked without the need of a variance to the driveway width. The widened driveway is proposed to facilitate a path to the proposed attached garage. The widest part of the proposed driveway will be towards the street where the proposed driveway will connect to the existing driveway. The variance is anticipated to create negative impacts in the front yard by reducing the landscaped open space area resulting in a substantial amount of hardscaping.

The proposed variances (1 to 5) are not considered to maintain the general intent or purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to facilitate the creation of a new second attached double car garage which will encroach into the abutting floodplain zone and resulting in a driveway width which will exceed the requirements of the Zoning By-law. As outlined within the Development Design Guidelines and the Zoning By-law, garages and driveways shall not create a negative impact on the streetscape and should be proportional to the dwelling and complementary to the existing character of the surrounding neighbourhood. The proposed attached garage and widened driveway is anticipated to negatively impact the streetscape as majority of the front yard will be dominated by the driveway. The proposed second garage will not be in proportion with the existing dwelling, as the combination of the two garages will not balance the dwelling or the lot they serve.

The variances are not considered desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an established low density residential area of the City, which is subject to the Development Design Guidelines. To keep with the character of this residential area, the proposed variances to facilitate a second attached garage to the dwelling and widened driveway are not supportable.

The proposed second attached garage requires variances related to the front yard setback, setback to a floodplain zone, and a cumulative garage door width and interior garage width. These variances to facilitate the second attached garage are anticipated negatively impact the streetscape and will not be in proportion to the existing dwelling on the lot. The addition of a proposed second double car garage to the existing dwelling is not considered to be minor in nature.

The variance to allow an increase in the driveway width to lead to the proposed attached garage will facilitate the parking of numerous vehicles and will result in site conditions that dominate the front yard with hardscaping, impacting the streetscape. The proposed driveway will also substantially reduce the amount of open space landscaping on the property.

The requested variances are not considered minor in nature.

Respectfully Submitted,



Simran Sandhu, Planner I

Appendix A: Site Plan Photos



