



Report Committee of Adjustment

Filing Date: July 17, 2023
Hearing Date: October 24, 2023

File: A-2023-0219

**Owner/
Applicant:** JUGRAJ SINGH SANDHU & HARPREET KAUR SANDHU

Address: 3 Gladiolus Street

Ward: WARD 6

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0219 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 2 to permit 0 metre of permeable landscaping abutting the side lot line be refused;
 3. That the applicant provide Staff with documentation of the final driveway condition inclusive of the width measuring 8.01m (26.27ft.) and reinstatement landscaped areas as depicted on Appendix B within 60 days of the Committee's decision or within an extended period of time at the discretion of the Director of Development Services;
 4. That the proposed reinstatement of the landscaped areas as depicted in Appendix B and reduced driveway width to 8.01m shall be maintained, and shall not be removed, but may be repaired when necessary;
 5. That drainage on adjacent properties should not be adversely affected; 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:

Staff note that the prepared Public Notice refers to an additional variance which requests to permit 0m of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum 0.6 metres (1.97 feet) of permeable landscaping abutting the side lot line. It was deemed that this variance is not required as a revised Site Plan (Appendix B) illustrates that the 0.6 metres (1.97 feet) of permeable landscaping will be reinstated.

Existing Zoning:

The property is zoned 'Residential Single Detached F- Special Section 2345 (R1F-12.2-2345)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 8.01m (26.27 ft.), whereas the by-law permits a maximum driveway width of 7.32m (24.06 ft.);
2. To permit 0 metre of permeable landscaping abutting the side lot line, whereas the bylaw requires a minimum 0.6 metre (1.97 feet) of permeable landscaping abutting the side lot line.
 - Note: The applicant has submitted a revised sketch which depicts the reinstating of permeable landscaping abutting the side lot line. The variance is no longer required.
3. To permit an accessory structure (existing shed) having a setback of 0.39m (1.28 ft.) to the rear lot line, whereas the by-law requires a minimum 0.6m (1.97 ft.) to the nearest lot line;
4. To permit an accessory structure (existing shed) having a setback of 0.41m(1.35 ft.) to the side lot line, whereas the by-law requires a minimum 0.6m (1.97 ft.) to the nearest lot line; and
5. To permit a combined gross floor area of 22.05 sq. m for two (2) accessory structures (existing shed and existing gazebo), whereas the by-law permits a maximum combined gross floor area of 20 sq.m for two (2) accessory structures.

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The property is designated 'Residential' in the Official Plan and 'Low/ Medium Density Residential ' in the Bram West Secondary Plan (Area 40 (d)). Variances 1, 3, 4, and 5 are not considered to have significant impacts within the context of the Official Plan policies. 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 driveway width of 8.01 metres (26.27 feet) whereas the by-law permits a maximum driveway width of 7.32 metres (24.06 feet). 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 excessive number of vehicles to be parked in front of the dwelling. Despite the increased driveway width of 0.69 metres (2.26 feet), Staff are able to support the variance as the increase does not permit the parking of additional vehicles and a path to the front entrance of the dwelling is maintained. The applicant will not need to decrease the permeable landscaping that abuts adjacent property and permanent flower bed fixtures will be added to the front yard, as depicted in the revised Site Plan (Appendix B). Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing accessory structure (shed) located 0.39 metres (1.28 feet) from the rear yard lot line whereas the by-law permits a setback of 0.6 metres (1.96 feet.) to the nearest lot line. Variance 4 is requested to permit an existing accessory structure (shed) located 0.41 metres (1.35 feet) from the side yard lot line whereas the by-law permits a setback of 0.6 metres (1.96 feet.) to the nearest 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 for drainage and access for maintenance. In this case, the shed generally requires minimal maintenance and drainage in the rear yard would not appear to be impacted by the accessory structure. Subject to the conditions of approval, Variances 3 and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit a combined gross floor area of 22.05 square metres for two (2) accessory structures (existing shed and existing gazebo), whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures. The intent of the by-law in regulating the maximum permitted gross floor area of accessory structures is to ensure that the property is not dominated by additional structures and limit the provision of outdoor recreational space. The applicant is only looking to increase the amount of permitted combined gross floor area for the accessory structures by 2.05 metres square (22.06 square feet) and Staff are of the opinion that this relief will not generate a sense of the property being dominated by accessory structures. Subject to the conditions of approval, Variance 5 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 requested to permit an existing driveway width which exceeds the requirement that is set out in the Zoning By-law. The applicant is seeking to increase their driveway width by 0.69 metres (2.26 feet). The expanded driveway will not facilitate parking of additional vehicles and it will not have a negative impact on the streetscape as permeable landscaping features will remain. The applicant has provided a Site Plan which depicts the use of flower beds on a portion of the front yard, creating a barrier that separates the curved design of the front yard. A condition has been included in the report, stating that the applicant should provide Staff with documentation of the final driveway condition, inclusive of the width measuring 8.01 metres (26.27 feet). Documentation should also include the

reinstatement landscaped areas as depicted on the Site Plan (Appendix B) and it should be completed within 60 days of the Committee's decision or within the given extended period of time. To ensure that the proposed reinstatement of the landscaped areas will be permanent, a condition has been included in the report stating that the fixtures shall not be removed, but may be repaired when necessary. Subject to the recommended conditions of approval, Variances 1 is appropriate for the development of the land.

Variance 3 and 4 are requested to permit a shed that will be located 0.39 metres (1.28 feet) from the rear yard lot line and 0.41 metres (1.35 feet) from the side yard lot line whereas 0.6 metres (1.96 feet) is required on each side, as per the Zoning By-law. The addition of the shed is seen as appropriate for the development of the land as it would allow for additional storage of utilities on the property. An adequate amount of recreational space remains in the rear yard of the property and drainage will not be negatively impacted. Subject to the recommended conditions of approval, Variances 3 and 4 are appropriate for the development of the land.

Variance 5 requests to increase the combined gross floor area of two accessory structures (an existing shed and gazebo). As per the by-law, the combined gross floor area can be 20 square metres and the applicant is seeking to have this increased to 22.05 square metres. Due to the large size of the backyard, the size of the accessory structures in the rear yard does not create negative visual massing impacts and plenty of space is still provided for recreational activity in the rear yard. The accessory structures are features that can enhance the amenity space on the property. Subject to the recommended conditions of approval, Variance 5 is appropriate for the development of the land.

4. Minor in Nature

Variance 1 is requested to permit an increased driveway width in the front and beyond the dwellings main entrance. The variance that is being requested is not considered to be one that will significantly impact the amount of available outdoor amenity space, permeable landscaping or significantly affect drainage on the subject property or adjacent properties. Permanent planting mechanisms have been included in the Site Plan which will ensure that a path to the front entrance is not obstructed. Due to the size of the addition (0.69 metres) and inclusion of the flower beds in the front yard, the requested variance is not considered to be minor in nature.

Variance 3 and 4 seek reduced setbacks from accessory structures to the lot lines in the rear of the property. As minimal maintenance is required for the fence and shed, Staff are of the opinion that the requested setbacks from the property line to the shed should suffice in order to maintain adequate drainage. Subject to the recommended approval conditions, Variances 3 and 4 appropriate for the development of the land.

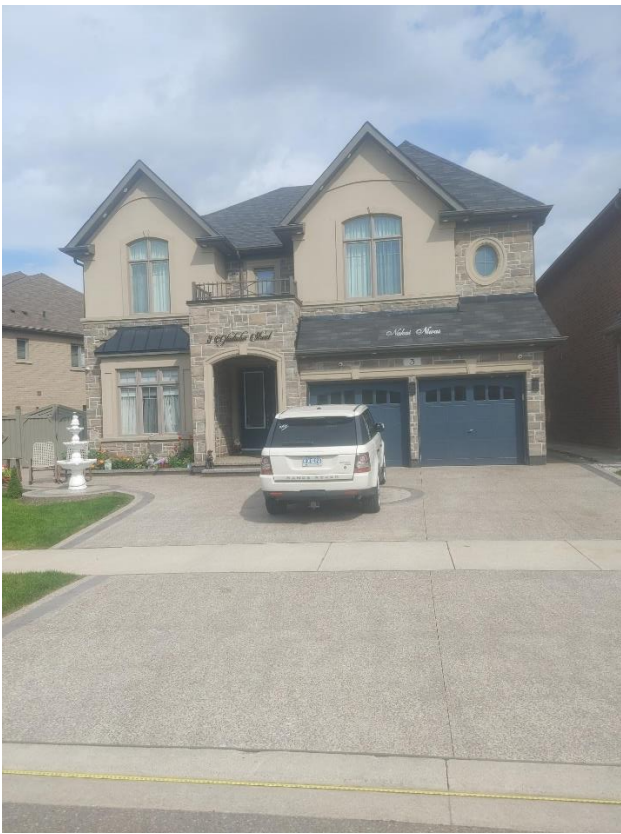
Variance 5 is being requested to increase the amount of gross floor area for two existing accessory structures on a property. Due to the size of the rear yard, Staff do not anticipate that amenity space will be limited if the increased size is permitted. Adverse impacts to the subject property and ones that are adjacent should not be created. Subject to the recommended conditions of approval, Variance 5 is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:



Appendix B:

