



## Report Committee of Adjustment

**Filing Date:** October 6, 2023  
**Hearing Date:** October 24, 2023  
**File:** A-2023-0290  
**Owner/  
Applicant:** AJAYPAL SINGH BATTH  
**Address:** 24 NOMAD CRES  
**Ward:** WARD 6  
**Contact:** Satwant Hothi, Planner I, Development

---

### Recommendations:

That application A-2023-0290 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 be refused and that a maximum driveway width of 8.46m (27.76 ft) be approved as per revised sketch (Appendix A);
  3. That the proposed reinstatement of the landscaped areas as depicted in Appendix A and reduced driveway width to 8.46m shall be maintained, and shall not be removed, but may be repaired when necessary; and
  4. That a minimum 1.0m (3.23 ft) setback from the tree edge/saucer be maintained from driveway/walkway;
  5. That variance 3 for a reduced parking depth of 3.41m (11.19 ft) be refused;
  6. That the extended portion of the driveway shall not be parked or driven upon at any time by the whole or a part of the motor vehicle and;
  7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

**Background:**

Applicant has provided a revised sketch (Appendix A) indicating portion of hardscaped landscaping to be removed, reducing the overall driveway width as otherwise indicated on initial application and associated public notice.

**Existing Zoning:**

The property is zoned 'Residential Single Detached – Special Section 2769 (R1C-2769)', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a maximum driveway width of 11.33m (37.17 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft).
  - A revised sketch (Appendix A) has been submitted that shows a reduced maximum driveway width of 8.46m (27.76 ft) to be permitted whereas the by-law permits a maximum driveway width of 6.71m (22 ft).
2. To permit a reduced permeable landscaping strip of 0.26m (0.85 ft) abutting property line whereas the by-law requires a minimum permeable landscaping strip of 0.60m (1.97 ft) abutting property lines.
3. To permit a reduced parking depth of 3.41m (11.19 ft) whereas the by-law requires a minimum parking depth of 5.4m (17.72 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/Medium Density' in the Bram West Secondary Plan (Area 40(c)). The Official Plan identifies policies to build and maintain attractive residential neighbourhoods while balancing the impact of accommodating parking as it relates to attractive streetscapes and communities. Specifically, Section 4.2.1.14 provides that one of the key areas of design including attached garages, lot widths related to attached garages, rear yard garage locations and driveways. The intent of this policy is to ensure that the design of a residential driveway does not accommodate the parking of an excessive number of vehicles and to ensure the driveways are designed in such a manner that they complement the overall streetscape aesthetic without compromising drainage. The requested variances 1 and 2 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.

Variance 3 to allow for a reduced parking depth of 3.41m (11.19 ft) does not meet the general intent of the Official Plan as it is not in accordance with the Development Design Guidelines which recognize key elements of design for residential areas. Driveway design, landscaping and street façade are amongst

these key elements of design whereas a reduction in parking depth will contribute to excessive vehicles being parking on the subject property and thus adversely effecting these key elements.

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

The property is zoned “Residential Single Detached – Special Section 2769 (R1C-2769)” according to By-law 270-2004, as amended.

Variance 1, as amended, is requested to permit a driveway width of 8.46m (27.76 ft) whereas a maximum driveway width of 6.71m (22 ft) is permitted. The variance represents a driveway width increase of 1.75m (5.74 ft), the intent of the by-law in prescribing a maximum driveway width based on the width of the property is to ensure that main function of the driveway is to provide a path of travel to the garage and maintain the aesthetic quality of the streetscape.

In case of the subject property, the existing driveway leads to the dwelling’s two car garage and includes a portion that is intended to be used as a walkway off the front porch, based on the overall hardscaping design on the property. Subject to the recommended conditions of approval, the requested variance maintains the general intent of the by-law.

Variance 2 is requested to permit a reduced permeable landscaping strip of 0.26m (0.85 ft) abutting property line whereas the by-law requires a minimum permeable landscaping strip of 0.60m (1.97 ft) abutting property lines. The intent of the by-law requiring a minimum permeable landscaping strip abutting lot lines is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

In case of the subject property, the reduction in permeable landscaping along the side lot line still allows for adequate drainage on the property and is not considered to adversely affect drainage on adjacent properties. The subject site also, with the proposed reduction in hardscaping, is found to contain adequate permeable landscaping on the opposite side of the driveway to provide sufficient drainage.

Variance 3 is requested to permit a reduced parking depth of 3.41m (11.19 ft) whereas the by-law requires a minimum parking depth of 5.4m (17.72 ft). The intent of the by-law in prescribing a minimum parking depth is to ensure sufficient space is provided for a parked vehicle without encumbrance onto adjacent or any City lands. In case of the subject property, a reduction in required parking depth would facilitate the parking of excessive vehicles on portion of the extended driveway which, as per recommended conditions of approval, shall not be parked or driven upon at any time by the whole or a part of the motor vehicle.

## 3. Desirable for the Appropriate Development of the Land

Variance 1, as amended, is requested to permit a driveway width of 8.46m (27.76 ft) whereas a maximum driveway width of 6.71m (22 ft) is permitted. Given the amended variance request now results in a driveway widened by a width of 1.75m (5.74 ft) whereas the initial configuration would have resulted in a driveway being 4.62m (15.16ft) larger than what the by-law permits, it is not anticipated that there would be sufficient space for additional vehicles to park in front of the main entrance of the dwelling.

Subject to recommended conditions of approval and revised allowable width, Variance 1 is desirable for the appropriate development of the land.

Variance 2 is requested to permit a reduced permeable landscaping strip of 0.26m (0.85 ft) abutting property line whereas the by-law requires a minimum permeable landscaping strip of 0.60m (1.97 ft) abutting property lines. The intent of providing a permeable landscaping strip is to ensure that the front yard is not dominated by hardscaping and that permeable surface is provided for drainage. The revised site configuration is supportable given the reinstatement of permeable landscaping on the opposite side of the property along with maintaining a minimum 0.26m (0.85ft) abutting property line. Variance is considered appropriate development of the land.

Variance 3 is requested to permit a reduced parking depth of 3.41m (11.19 ft) whereas the by-law requires a minimum parking depth of 5.4m (17.72 ft). The intent in prescribing a minimum parking depth is to ensure sufficient space is provided for a parked vehicle and that the property does not house excessive vehicles ultimately dominating the streetscape. Variance 3 is not considered as appropriate development of land for these reasons.

#### 4. Minor in Nature

Given the revised configuration of the driveway as per provided sketch (Appendix A), the reduction in hardscaped landscaping and introduction of increased permeable landscaping, Variances 1 and 2 are considered minor in nature.

The reduction in parking depth facilitates the parking of excessive motor vehicles and encumbrances onto city walkways and thus Variance 3 is not considered minor in nature.

Respectfully Submitted,

*S. Hothi*

---

Satwant Hothi  
Planner I, Development

