



Report Committee of Adjustment

Filing Date: October 6, 2023
Hearing Date: October 24, 2023
File: A-2023-0291
**Owner/
Applicant:** KULWINDER CHHINA & HARPINDERJIT CHHINA
Address: 46 TRURO CIRCLE
Ward: WARD 6
Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0291 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 allow a driveway width of 9.23m (30.25 ft) be refused and in lieu a driveway width of 8.63m (28.31 ft) be approved;
 3. That variance 2 be refused and a permeable landscaping strip of 0.6m (1.97ft) abutting the property line be reinstated;
 4. That variance 3 be refused;
 5. 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;
 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:

The applicant was advised that a 0.0m permeable landscaping strip abutting property line is not supportable and a revised sketch was requested reflecting reinstated permeable and revised driveway width. The applicant advised that they wished to move forward with application as submitted.

Existing Zoning:

The property is zoned 'Residential Single Detached - Special Section 2225 (R1F-2225', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a driveway width of 9.23m (30.25 ft) whereas the by-law permits a maximum driveway width of 6.71m (22 ft).
2. To permit a reduced permeable landscaping strip of 0.0m (0 ft) abutting property line whereas the by-law requires a minimum permeable landscaping strip of 0.6m (1.97 ft) abutting property lines.
3. To permit a reduced parking depth of 2.66m (8.73 ft) whereas the by-law requires a minimum parking space 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 and Medium Density' in the Mount Pleasant Secondary Plan (Area 51). The Official Plan sets out 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. Variance 1 is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Official Plan.

Variance 2 is requested to permit 0.0m of permeable landscaping strip abutting the property line and Variance 3 is requested to allow for a reduced parking depth of 2.66m (8.73 ft). This 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 and permeable landscaping will contribute to excessive vehicles being parking on the subject property and thus adversely affecting these key elements.

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

The property is zoned “Residential Single Detached – Special Section 2225” according to By-law 270-2004, as amended.

Variance 1 is requested to permit a driveway width of 9.23m (30.25 ft) whereas a maximum driveway width of 6.71m (22 ft) is permitted. The variance represents a driveway width increase of 2.52m (8.27 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 by limiting the excessive parking of motor vehicles in front of the dwelling. The applicant is also requesting to permit 0.0m of permeable landscaping abutting the side lot line, whereas the by-law requires a minimum of 0.6m of permeable landscaping abutting the side lot line. The intent of the by-law in requiring a minimum permeable landscaping strip abutting property lines is to ensure that sufficient space is provided for drainage and limit impacts on neighbouring properties. With the removal of the hardscaped landscaping abutting the property line, Staff are of the opinion that the configuration of the lot does not allow for excessive number of cars to be parked in front of the dwelling. Given Staff's recommendation to refuse Variance 2, it is recommended that a maximum driveway width of 8.63m (28.31 ft) be approved, reflecting the reinstating of the 0.6m permeable landscaping strip abutting the property line.

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 based on the overall stonework design on the property. Subject to the recommended conditions of approval, Variance 1, as amended, is considered to maintain the general intent of the by-law.

Variance 3 is requested to permit a reduced parking depth of 2.66m (8.73 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. Variance 3 is not considered to maintain the general intent of the by-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a driveway width of 9.23m (30.25 ft) whereas a maximum driveway width of 6.71m (22 ft) is permitted. The variance represents a driveway width increase of 2.52m (8.27 ft). Staff recommend that the approval of Variance 1 be for a maximum driveway width of 8.63m (28.31 ft). The recommended reduced driveway width would therefore result in a difference of 1.92m (6.3 ft) wider driveway width than permitted maximum. Given the configuration of the driveway and Staff's recommendation, it is not anticipated that there would be sufficient space for additional vehicles to park in front of the main entrance of dwelling. Subject to the recommended conditions of approval and revised allowable width, Variance 1 is desirable for appropriate development of the land.

Variance 2 is requested to permit a permeable landscaping strip of 0.0m abutting property line whereas the by-law requires a minimum permeable landscaping strip of 0.6m (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 surfaces are provided for drainage. The existing site configuration is not supportable given the expansive use of hardscaping on the front yard, resulting in lack of permeable surfaces which may impact adequate drainage on site. Variance 2 is not desirable for the appropriate development of the land.

Variance 3 is requested to permit a reduced parking depth of 2.66m (8.73 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 shape and configuration of the driveway which connects to the walkway leading to the front entrance of the dwelling (Appendix A), requested variance to permit an existing driveway width is not considered to facilitate the excessive parking of vehicles in front of the dwelling. The widened driveway is not anticipated to have negative impacts on drainage subject to Staff's recommendation to reduce the width through the reinstating of the permeable landscaping strip. Variance 1 is considered minor in nature.

The request to permit 0.0m permeable landscaping strip abutting the side lot line is not seen as minor in nature as the front yard is predominantly dominated by hardscaping and thus results in-sufficient amount of permeable surface area. Variance 2 is not 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

APPENDIX A

