

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-9/24
Location: 19 Westmount Road
Hearing Date: February 8, 2024
Owner: Maria and Vasile Fodor
Agent: Rob Sajkunovic, JR Design and Consultants
Official Plan Designation: Low Density Residential
Zoning Designation (1995)-14864: Residential Single Detached (R.1B) Zone
Zoning Designation (2023)-20790: Low Density Residential 1 (RL.1) Zone

Zoning By-Law (1995)-14864 Requirements:

The property is located in the Residential Single Detached (R.1B) Zone. A variance from Section 4.13.7.2.1 of Zoning By-law (1995)-14864, as amended, is being requested. The By-law requires that driveway have a maximum width of 6.5 metres in the R.1B Zone.

Zoning By-Law (2023)-20790 Requirements:

The property is also located in the Low Density Residential 1 (RL.1) Zone. A variance from Table 5.10 of Zoning By-law (2023)-20790, as amended, is being requested. The By-law requires that the maximum driveway width be 6.5 metres in the RL.1 Zone.

Request:

The applicant is seeking relief from the requirements of both Zoning By-laws to permit a maximum driveway width of 9.144 metres for the required parking space.

Staff Recommendation

Refusal

Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas

within the built-up area of the city and permits a range of housing types including single detached dwellings and associated accessory structures. As the proposed use is permitted, staff are satisfied that the proposal conforms with the intent of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1B) according to Zoning By-law (1995)-14864, as amended; and is zoned "Low Density Residential" (RL.1) in the 2023 Comprehensive Zoning By-law. Section 4.13.7.2.1 of the 1995 Zoning By-law and Table 5.10 Row 1 of the 2023 Zoning By-law limit residential driveways to a maximum width of 6.5 metres. The proposed driveway would be 9.15 metres wide at its widest point and 6.7 metres wide where it meets the municipal right-of-way, necessitating the proposed variance.

The proposed driveway expansion would allow for a vehicle to be parked in the north side yard behind the front wall of the existing dwelling, and would not be widened to a maximum width of 9.15 metres for the entire length of the driveway. The purpose for this request is to allow the existing attached garage to be converted into living space while maintaining at least one parking space to the rear of the front of the dwelling as required in section 4.13.2.1 of the 1995 Zoning By-law and section 5.2.1(a)(i) in the 2023 Zoning By-law.

The intent of the maximum driveway width provision is to ensure that the front yards of residential properties are not dominated by automobile storage, and to prevent an excessive volume of impervious surface in the front yard of residential properties.

While the proposed driveway will not have a width of 9.15 metres throughout its entire length, staff believe the driveway can be extended and curved to the side of the house as desired without the need of a minor variance application if the applicant were willing to remove the portion of the driveway leading to the soon-to-be-removed garage door entrance. If this portion of driveway leading to the current garage door entrance were removed and replaced with permeable landscaping the driveway could be designed to conform to the maximum driveway width of 6.5 metres while still achieving the applicant's goal. However, as proposed the driveway would considerably increase the amount of impervious surface on the property. For this reason staff are of the opinion that the proposal does not conform with the intent of the Zoning By-law.

The proposed driveway would greatly exceed the maximum permissible driveway width for a portion of its length and would increase the amount of impervious surface on the property. For these reasons, staff are of the opinion that the proposal is not desirable for the appropriate development of the property and is not minor in nature.

In the opinion of planning staff, the requested variances meet the general intent of the City's Official Plan, but do not meet the general intent and purpose of the Zoning By-laws, are not desirable for the appropriate development of the lands and are not minor in nature. Staff recommend refusal of the application.

Should the Committee choose to approve the application the following condition is recommended:

1. That the proposed driveway be constructed in general accordance with the public notice sketch.

Engineering Services

Engineering has no concerns with the requested variance.

We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Residential Single Detached (R.1B) under Zoning By-law (1995)-14864, as amended and Low Density Residential 1 (RL.1) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling and Additional Residential Dwelling Units. The applicant is proposing to convert the attached two-car garage into an ARDU. To accommodate the legal parking space requirement behind the front face of the dwelling, they are proposing to widen a portion of the existing driveway to a maximum of 9.14 metres. The maximum driveway width in both zones is 6.5 metres.

Building Services supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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