

2024-08-01



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 1126 Cope Drive
Legal Description: Pt of Block 41, Plan 4M-1740
File No.: D08-02-24/A-00173
Report Date: August 1, 2024
Hearing Date: August 6, 2024
Planner: Elizabeth King
Official Plan Designation: Suburban Transect, Neighbourhood
Zoning: R3Z [2920]

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has some concerns with** the application.

DISCUSSION AND RATIONALE

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

Section 107(3)(ii) of the Zoning By-law states that the area of a driveway does not exceed the greater than 50% of the area the yard it is located in. 1126 Cope Drive is proposing a double-wide driveway that is 5.81 metres wide to accommodate the attached double garage of an end townhouse unit, resulting in occupying 60% of the area of the yard.

While Staff agree that this is minor, it has been noted that a driveway that is greater than 50% of the lot frontage does not comply with the Private Approach By-law, as noted by Right-of-Way Management Staff. Staff did contact the Applicants to discuss a minor revision to the site plan that would satisfy this concern.

ADDITIONAL COMMENTS

Planning Forestry

This lot is part of an approved plan of subdivision. Through pre-consultation it was determined that the proposed driveway expansion is outside of the area proposed for tree planting in the approved Landscape Plan for the subdivision. There are no tree-related concerns with the minor variance.

Right of Way Management

The Right-of-Way Management Department has **concerns** with the proposed minor variance application. This lot is under a Plan of Subdivision (D07-16-18-0009), so the Private Approach By-law (Section 39(2)) does not require a permit to be issued.

The proposed driveway on the Cope frontage is required to be set back 6m from intersecting street line as per the Private Approach By-law Section 26(c) and cannot be located within the corner site triangle. Section 11(1) permits a maximum width of 9.0m but in no case shall the width exceed 50% of the frontage.

Should the Minor Variance be granted, the 50% frontage width would still be enforced and the width of the private approach and if the minor variance is approved can open up on private property to the full width of the two garages.



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