



Report Committee of Adjustment

Filing Date: March 22, 2024

Hearing Date: April 23, 2024

File: A-2024-0101

**Owner/
Applicant:** **Jasbir Singh Matharu
Noble Prime Solutions Ltd., c/o Pavneet Kaur**

Address: **171 Moffatt Avenue**

Ward: 4

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0101 is supportable, 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 6.30 metres to a proposed two-storey addition, whereas the by-law requires a minimum rear yard setback of 8.85 metres;
2. To permit an interior side yard setback of 1.30 metres to a proposed second-storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 metres to the first

storey, or part thereof, plus 0.6 metres for each additional storey, or part thereof, where the lot width is less than or equal to 16 metres; and

3. To permit a lot coverage of 43.36%, whereas the by-law permits a maximum lot coverage of 30%.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as 'Residential' in the Official Plan and 'Low Density 1 – Residential' in the Flowertown Secondary Plan (Area 6). The property is also subject to the Older, Mature Neighbourhood policies. Section 4.2.1.20 The City's Official Plan states that additions to existing dwellings must be compatible with the general size, type and style of dwellings in the surrounding neighbourhood. The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 to permit a rear yard setback of 6.30 metres to a proposed two-storey addition, whereas the by-law requires a minimum rear yard setback of 8.85 metres. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property.

The variance is requested to facilitate the location of a two-storey addition in the rear yard. The proposed rear yard setback of 6.30m is 2.55m less than the required 8.85m. the proposed two-storey addition is not anticipated to negatively impact the amount of amenity space provided in the rear yard as there is still adequate open space within the rear yard. The setback of 6.30m is considered adequate to accommodate the addition in the rear yard without negatively impacting adjacent properties as it provides sufficient space from abutting structures and lot lines. Subject to the recommended conditions, the requested variance maintains the general purpose and intent of the Zoning By-law.

Variance 2 is requested to permit an interior side yard setback of 1.30 metres to a proposed second-storey addition, whereas the by-law requires a minimum interior side yard setback of 1.2 metres to the first storey, or part thereof, plus 0.6 metres for each additional storey, or part thereof, where the lot width is less than or equal to 16 metres. The intent of the by-law in requiring a minimum interior side yard setback to a proposed second storey addition is to ensure that sufficient distance is maintained between dwellings, and that the massing of the second storey does not impose on the adjacent property. The proposed addition is intended to be located at the rear of the dwelling and the requested setback is consistent with the existing second storey of the dwelling. Given this, the proposed addition is not anticipated to negatively impact adjacent properties from a massing perspective. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law

Variance 3 is requested to permit a lot coverage of 43.36%, whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating maximum lot coverage is to ensure that the

size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property.

The applicant is proposing to increase the lot coverage from 30% to 43%. The property is zoned Residential, Single Detached D (R1D) and is subject to the Older, Mature Neighbourhoods section of the Zoning by-law (10.27). The intent of limiting maximum lot coverage in residential zones through the by-law is to ensure that the built form of development is compatible with the surrounding neighbourhood. In this case, the increased coverage is related to 2-storey addition at the rear of the property. The addition is intended to enhance the use of the primary dwelling. Although a variance is requested for the rear yard setback, the addition will not detract from the provision of outdoor amenity space. The increase in lot coverage to permit the proposed addition does not create any impacts with respect to drainage, access, privacy and shadowing on adjacent dwellings. The requested variance is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to facilitate the construction to a 2-storey addition at the rear of the property. The variances are to permit a minor decrease to the rear yard setback, interior side yard setback and lot coverage. Variance 1 is requested to permit a reduced rear yard setback for a proposed 2-storey addition. The reduced second storey setback is not anticipated to significantly contribute to undesirable visual massing or shadowing impacts as the proposed extension will maintain the general character of the neighbourhood. The reduced rear yard setback is of 6.30m will provide sufficient outdoor amenity space in the rear yard. The increase in lot coverage is not anticipated to impact the scale of the dwelling in a significant way or contribute to the overdevelopment of the lot. The configuration of the proposed dwelling is considered to be appropriate and compatible with the subject property and neighbouring homes.

4. Minor in Nature

The requested variances to permit increases to the proposed rear yard setback, interior side yard setback and building lot coverage are requested to facilitate the two storey addition, which will be consistent with the rear wall of the property. The reduced rear yard setback of 6.30m is not anticipated to significantly impact shadowing or contribute to a massing that imposes onto adjacent properties. The proposed side yard setback is not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the building. The requested lot coverage is a minor increase from what the by-law permits. The variance for added lot coverage represents an increase of 13% from the existing building and is not considered to contribute to the over development of the property. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Signature

Megan Fernandes, Assistant Development Planner

Site Visit Photos

