



Report Committee of Adjustment

Filing Date: January 9th, 2024

Hearing Date: April 23rd, 2024

File: A-2024-0006

**Owner/
Applicant:** **Agyei Peprah-Asiase**

Address: **13 Harper Road**

Ward: WARD 3

Contact: Aferdita Dzaferovska, Assistant Development Planner

Recommendations:

That application A-2024-0006 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That drainage on adjacent properties should not be adversely affected;
 3. That the applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required.
 4. 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 B (R1B)" and further subject to the provisions of the Mature Neighbourhood by-law (69-2023) according to By-law 270- 2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed building addition with an interior side yard setback of 1.2 metres to the second storey, whereas the by-law requires a minimum interior side yard setback of 1.8 metres to the second storey; and
2. To permit a lot coverage of 33.42% 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 property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The new Council approved Brampton Plan designates the property as 'Neighbourhoods' in Schedule 2. As per section 2.2.7.4 of the Brampton Plan, redevelopment within Mature Neighbourhoods including building additions to existing dwellings will be compatible with the general size, type and style of dwellings in the immediate neighbourhood. The massing, scale and height of the dwellings or building additions should be consistent with the host neighbourhood. Building additions should be generally consistent with the setbacks, orientation and building separation distances within the host neighbourhood.

The applicant is proposing to construct a building addition to the existing detached dwelling which will serve as an Additional Residential Unit. As a result, variances to permit a setback reduction to the second storey and increase in lot coverage are requested. It is Planning staff's opinion that the nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270- 2004, as amended.

Variance 1 is requested to permit an interior side yard setback of 1.2 metres to the second storey (3.94 ft.) whereas the by-law requires a minimum interior side yard setback of 1.8 metres (5.91 ft.) to second storey. The intent of the by-law in regulating the required interior side yard setback to a second storey addition is to ensure that sufficient distance is maintained between dwellings, and that the massing of the second storey does not impose upon the adjacent property.

The By-law requires 1.2 metres for the 1st storey or part thereof plus 0.6 metres for each additional storey or part thereof. In this case, a 1.2 metres interior side yard setback is proposed to the two-storey building addition. Although the setback reduction is only requested to accommodate the second storey, sufficient distance is maintained between dwellings, and the massing of the second storey is not anticipated to significantly impose upon the adjacent property beyond the permissions of the by-law. Furthermore, Engineering staff have reviewed the application and do not have concerns regarding the location and configuration of the proposed addition and no negative impacts are considered in respect to drainage on site. Subject to the recommended conditions of approvals, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit a lot coverage of 33.42%, whereas the by-law permits a maximum lot coverage of 30%. The general intent of the by-law in regulating maximum lot coverage is to ensure that the size of a structure is appropriate to the size of the property and does not detract from the functioning of the property. The applicant is requesting a 3.42% increase to the lot coverage from what the Zoning By-law permits.

The proposed configuration of the building addition is considered to be appropriately sized and advantageously fitted relative to the existing building envelope. Staff are of the opinion that the property can accommodate an increased building footprint which results in a higher lot coverage beyond the permitted zoning requirements. While an increase is requested in lot coverage, the addition maintains adequate separation from the adjacent property to ensure access to the rear yard and mitigate drainage concerns. The increase in lot coverage is not anticipated to contribute to overdevelopment of the subject property with sufficient space remaining for rear yard amenity space. Further, the height and massing of the addition is not considered to impact adjacent properties with respect to privacy. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 relates to a reduced interior side yard setback to the second storey of a proposed building addition. The requested variance is to permit a setback of 1.2m (3.94 ft.), whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.). The variance results in a setback difference of 0.6 metres (1.97 ft.) which represents a modest reduction and only applicable to the second storey of the addition. The proposed setback reduction is not anticipated to negatively impact the subject property or adjacent property from a building massing perspective given that the addition will continue to comply with building height zoning requirements. Further, an adequate amount of building separation will remain which will limit potential impacts on privacy or shadowing on adjacent properties.

Variance 2 seeks to permit an increase in lot coverage from 30% to 33.42%. Staff do not consider the increased size of the proposed addition incompatible with the surrounding area or hazardous. The size and configuration of the proposed residential addition is not considered to contribute to the overdevelopment of the subject property as the size of the subject property can accommodate a larger building footprint.

Open Space have reviewed the application and have recommended that the applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required. The applicant has provided staff with an updated sketch which identifies existing trees to be protected with hoarding at the dripline and those to be affected by the proposed works to be removed. The applicant is aware that a tree removal permit will be required should any trees be impacted by the future development.

Subject to the recommended conditions of approval, the proposed variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 relates to the building setback to facilitate the new second storey addition. The proposed reduction to the second storey side yard setback is not considered a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the addition. Variance 2 for added lot coverage represents an increase of 5% and is not considered to contribute to overdevelopment of the property. Subject to the recommended conditions of approval, variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

Aferdita Dzaferouska

Aferdita Dzaferovska, Assistant Development Planner

APPENDIX A- Site Visit Photos

