



Report Committee of Adjustment

Filing Date: April 4, 2024
Hearing Date: May 21, 2024

File: A-2024-0106

**Owner/
Applicant:** GURPREET KAUR

Address: 51 Drury Crescent

Ward: WARD 7

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0106 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 the below grade entrances shall not be used to access an unregistered second unit;
 3. That the owner finalize Custom Home approval under City File # CH-2024-0004 and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
 4. That drainage on adjacent properties shall not be adversely affected; and
 5. 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 (1) (R1B (1))', 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 7.5 metres (24.60 feet), whereas the by-law permits a rear yard setback of 9.78 metres (32.08 feet);
2. To permit an interior side yard setback of 1.2 metres (3.94 feet) to a second storey, whereas the by-law requires a minimum side yard setback of 1.8 metres (5.90 feet) to a second storey;
3. To permit a lot coverage of 43.5%, whereas the by-law permits a maximum lot coverage of 30%; and
4. To permit a building height of 8.08 metres (26.50 feet), whereas the by-law permits a maximum building height of 7.6 metres (24.93 feet).

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 1 Residential' in the Bramalea Secondary Plan (Area 3). The requested variances are not considered to have significant impacts within the context of the Official Plan.

The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The 'Residential' designation in the Official Plan permits a broad range of housing types and complementary uses as this is essential for meeting the needs of a diverse population and ensuring economic efficiency. A variety of housing types works towards building vibrant, sustainable, and accessible communities, while facilitating intensification throughout the Urban Growth Centre. According to Section 4.2.1.2 of the Official Plan, policies of the Plan are in place to prescribe a range of housing accommodations in terms of dwelling type and density policies.

As stated in Official Plan Section 3.2.8.2 (ii), a second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. The requested variances are considered to maintain 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 permit a proposed a rear yard setback of 7.5 metres (24.60 feet), whereas the by-law permits a rear yard setback of 9.78 metres (32.08 feet). The intent of the by-law in requiring a minimum setback in the rear yard is to guarantee that sufficient space is provided for the rear yard amenity space on the property and to ensure that space is provided for drainage. City Engineering Staff

have reviewed the file and are satisfied with the application as it does not negatively impact drainage on the subject parcel or abutting property. Furthermore, sufficient space will remain in the rear yard for recreational amenity space and to provide appropriate building separation. Subject to the recommended conditions of approval, Variance 1 maintains the general intent of the Zoning By-Law.

Variance 2 is requested to permit a reduced interior side yard setback of 1.2 metres (3.94 feet) to a second storey addition, whereas the by-law requires an interior side yard setback of 1.8 metres (5.90 feet). 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 interior side yard setback reduction to the second storey portion of the dwelling represents a slight deviation of 0.6 metres (1.96 feet), from what is permitted in the Zoning By-law. In the case of the subject property, there is sufficient spatial separation between adjacent properties and the building that is being proposed. This reduction is not anticipated to cause negative impacts relating to the visual massing of the dwelling. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 seeks to permit a lot coverage of 43.5%, whereas the by-law permits a maximum coverage of 30%. The intent of the by-law in regulating the maximum permitted lot coverage for a residential dwelling is to ensure that the size of the proposed dwelling does not detract from the provision of outdoor amenity area on the property. The submitted concept plan indicates that two additional residential units will be constructed in the basement and be constructed in a manner that can maintain the amenity area. The top two floors of the dwelling will be the primary dwelling. Subject to the conditions of approval, Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a building height of 8.08 metres (26.50 feet), whereas the by-law permits a maximum building height of 7.6 m (24.93 feet). The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing, shadowing or privacy impacts on adjacent properties. The proposed concept plan indicates that there will be an increase of only 0.48 metres (1.57 ft.) than the height that is currently permitted. Subject to the conditions of approval, Variance 4 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 seeks to decrease the rear yard setback distance between the rear wall of the dwelling and the fence in the rear yard. The home owner intends to create two units in the basement and the rear yard setback will have to be reduced due to the construction of two sets of stairs that would lead to the below grade units. As this dwelling is a single detached dwelling, access to the rear yard is still granted along both sides of the property. The stairs do not cause concern for massing issues as they will lead to an entrance that will be underground. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

Variance 2 is requested to permit an interior side yard setback to the second storey that is less than what is required by the Zoning By-law. Despite the reduction to the second storey interior setback

requirements of the Zoning By-law, Staff are satisfied with the current proposal as the side walls of the dwelling will be consistent with those that are on the ground level. The reduction is seen as minor and will not be invasive on abutting properties. Subject to the recommended conditions of approval, Variance 2 is appropriate for the development of the land.

Variance 3 seeks to permit a lot coverage of 43.5%, whereas the by-law permits a maximum coverage of 30%. The total site area is 619.0 sq. metres (6662.86 square feet). The proposed property will be constructed on 269.33 sq. metres (2895.49 square feet), consisting of a lot coverage percentage of 43.50%. The increased lot coverage resulting from the addition is not considered to detract from the provision of outdoor amenity space or generate negative impacts. Variance 4 is requested to permit an increased building height of 8.08 metres (26.50 feet), whereas the by-law permits a maximum building height of 7.6 m (24.93 feet). The increase of 0.48 metres (1.57 feet) to the main dwelling height is not anticipated to significantly contribute to shadowing onto adjacent properties.

A Custom Home application (File # CH-2024-0004) has been submitted for the newly proposed residential development on the subject parcel. City Staff will have the opportunity to review the proposed development to ensure the proposed development is appropriate within the neighbourhood context. Urban Design Staff will review the proposed development to ensure that the development does not negatively impact abutting properties with respect to massing or shadowing. City Engineering Staff will also review grading and servicing plans for the proposed development to ensure the site is serviced with municipal services and graded to not adversely impact abutting properties with respect to drainage. Subject to the recommended conditions of approval, Variances 3 and 4 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is related to the reduced rear yard setback and is not anticipated to have any adverse impacts on adjacent properties, drainage on the subject property or impacts on the provision of outdoor amenity space. Subject to the recommended conditions of approval, Variance 1 is considered minor in nature.

Variance 2 seeks to reduce the side yard setback to the second floor addition on the eastern and western portions of the property. These requests are not considered to be significant deviations from the minimum requirements. Subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

Variance 3 which seeks to increase the permitted lot coverage by 13.5% is not anticipated to result in negative site conditions on the subject parcel as it is not considered overdevelopment. Variance 4 seeks to increase the permitted building height by 0.48 metres (1.57 feet). The submitted Concept Plan indicates that sufficient amenity space is provided within the rear yard of the subject property and that the parcel will not be dominated by the new dwelling. The custom home application will also be reviewed in detail to ensure that the new design of the home is similar to the street landscape and aesthetic within the neighbourhood. Subject to the recommended conditions of approval, Variance 3 and 4 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

