



## Report Committee of Adjustment

**Filing Date:** April 18, 2024

**Hearing Date:** May 21, 2024

**File:** A-2024-0118

**Owner/  
Applicant:** Satpal Kahlon & Narinder Kahlon  
Malav Shah

**Address:** 21 Glenora Crescent

**Ward:** 8

**Contact:** Megan Fernandes, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0188 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 applicant/owner obtain Custom Home Application Approval under City File CH-2024-0014, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
  3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

The applicant is proposing to demolish the existing one storey detached dwelling to construct a new two-storey detached dwelling on the property. The Minor Variance application is requested to facilitate the proposed development by seeking relief from the Zoning By-law to allow an increased building height, side yard setback, rear yard setback, and lot coverage.

The applicant/owner has submitted a Custom Home Application City File: CH-2024-0014 in relation to the minor variance application.

### Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B(1))', according to By-law 270-2004, as amended and is subject to the Mature Neighbourhood Area policies which has additional standards to ensure that proposed residential additions and replacement dwellings within older mature neighbourhoods are compatible with the existing character of the surrounding area.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 1.3m to a proposed second storey of a single detached dwelling, whereas the by-law requires a minimum interior side yard setback of 1.2m to the first storey, or part thereof, plus 0.6m for each additional storey, or part thereof, where the lot width is less than or equal to 16 metres.
2. To permit a rear yard setback of 7.5m to a proposed single detached dwelling, whereas the by-law requires a minimum rear yard setback of 9.125m (25% of the lot depth).
3. To permit a single detached dwelling having a building height of 8.4m, whereas the by-law permits a maximum building height of 7.6m.
4. To permit a lot coverage of 44.37%, 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 Bramalea Secondary Plan (Area 3). The requested variances are to facilitate the construction of a new two storey dwelling on the lot and are therefore not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies. The dwelling is also located within a Mature Neighbourhood. Official Plan section 4.2.1.20 outlines that development should be compatible with the general size, type and style of dwellings in the neighbourhood. Massing, scale and height of dwelling or building additions should be consistent with the host neighbourhood. The requested variances are not considered to have significant impacts within the context of the Official Plan policies.

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

The property is zoned 'Residential Single Detached B (R1B(1))', and further subject to the provisions of the Mature Neighbourhood by-law (69-2023)" according to By-law 270- 2004, as amended.

Variance 1 is requested to permit an interior side yard setback of 1.3m to a proposed second storey of a single detached dwelling, whereas the by-law requires a minimum interior side yard setback of 1.2m to the first storey, or part thereof, plus 0.6m 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 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 proposed second storey is not anticipated to impose any negative impacts on the surrounding properties and sufficient distance is maintained between dwellings. In this instance, the second storey will maintain a 1.3m setback which is consistent with the first storey and is considered appropriate as no significant negative impacts will be had on the massing. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit a rear yard setback of 7.5m to a proposed single detached dwelling, whereas the by-law requires a minimum rear yard setback of 9.125m (25% of the lot depth). Variance 4 is requested to permit a lot coverage of 44.37%, whereas the by-law permits a maximum lot coverage of 30%. The intent of the by-law in regulating the rear yard setback 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 subject property backs on to Bramalea Rd. In regards to Variance 2, the proposed rear yard setback of 7.5m is 1.62m less than the required 9.125m. The remaining setback of 7.5m is considered adequate to facilitate the development of a new residential dwelling without generating negative impacts to adjacent properties. This neighbourhood continues to be an area of reinvestment and change, and it is anticipated that density within the area will increase. As a result, it is anticipated that developments which have greater massing and scale will proceed in the future. Currently, there are a number of examples in the area where larger developments are approved and constructed. Drainage is not expected to be negatively impacted resulting from the increased lot coverage. Furthermore, the applicant/owner have submitted a Custom Home Application which will include the review of engineering drawings to ensure that drainage is not adversely impacted on neighbouring properties. Subject to the recommended conditions, the requested variance maintains the general purpose and intent of the zoning by-law.

Variance 3 is requested to permit a single detached dwelling having a building height of 8.4m, whereas the by-law permits a maximum building height of 7.6m. 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 and privacy impacts on adjacent properties.

There is currently an existing single detached dwelling located on the property which is proposed to be demolished to facilitate the development of a new dwelling. the proposal is requested to permit an increased building height of 0.80m from what the by-law permits. In this case, the building height is calculated from the established grade to the mean height level between eaves and ridges for a peaked roof. The main façade of the dwelling will have an approximate height of 6.09m to the eavestrough, and the remaining 2.31m is dedicated to the height of the roof. Therefore, the variance is required for the increased height as a result of the design of the roof. Although the abutting properties are one storey dwellings, staff note that the neighbourhood contains a mix of bungalows and two-storey dwellings. The Zoning By-law does not regulate the number of storeys contained within the dwelling but does regulate the total height. It is staff's opinion that the intent of the by-law is maintained as it is not anticipated to negatively impact the privacy of adjacent properties or shadowing. Subject to the recommended conditions, the requested variance maintains the general purpose and intent of the zoning by-law.

### 3. Desirable for the Appropriate Development of the Land

This property is subject to the Older, Mature Neighbourhood zoning provisions. As noted, the applicant has submitted an application for Custom Home Architectural review prior to applying for a building permit. Through the custom home review process, technical matters relating to Urban Design and drainage will be addressed.

Variance 1 is requested to permit an interior side yard setback of 1.3m to a proposed second storey of a single detached dwelling, whereas the by-law requires a minimum interior side yard setback of 1.2m to the first storey, or part thereof, plus 0.6m for each additional storey, or part thereof, where the lot width is less than or equal to 16 metres. The intent of the owner is to construct a two-storey detached dwelling. The requested variance is not anticipated to negatively impact the overall character of the streetscape given its location and similar development within the neighbourhood. The reduction in the interior side yard setback to 1.3m is not anticipated to negatively affect the neighbouring properties views nor raise any privacy concerns. Moreover, the expansion of the existing detached dwelling aligns with the character of the neighborhood. The variance is considered desirable for the appropriate development of the land.

Variance 2 is requested to permit a rear yard setback of 7.5m to a proposed single detached dwelling, whereas the by-law requires a minimum rear yard setback of 9.125m (25% of the lot depth). A 1.62m reduction to the rear yard setback is required which is not anticipated to detract from the provision of outdoor amenity space due to the lot size and configuration. Furthermore, the reduced rear yard setback is not anticipated to negatively impact the overall residential use of the property or adjacent properties. Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit an increased building height for a proposed new dwelling. While building height requirements of the Zoning by-law are not maintained, upon review of the submitted concept plan staff are of the opinion that the subject property lot size is able to accommodate the proposed dwelling height of 8.4m (27.59 ft.) without generating significant massing impacts on neighbouring properties. The increased building height is not anticipated to impact the character of the area is defined by a mature low density housing form as the R1B(1) Zone permits two storey dwellings. Variance 3 is considered to be desirable for the appropriate development of the land.

Variance 4 is requested to permit an increase to the lot coverage to facilitate the proposed dwelling as it relates to the percentage of the lot area covered by the building. The variance is requested to permit a 14.37% increase to the total lot coverage and is needed to permit the proposed dwelling. 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. Furthermore, sufficient space will be maintained for outdoor amenity area on the property. Variance 4 is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variances to permit increases to the proposed interior side yard setback, building height, lot coverage, and reduced rear yard setback are requested to facilitate the construction of a new two

storey dwelling. The increased height of 0.80m (2.66 ft.) is not anticipated to significantly impact shadowing or contribute to a massing that imposes onto adjacent properties. The proposed rear 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 height is a minor increase from what the bylaw permits. The variance for added lot coverage represents an increase of 14.37% 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