



Report Committee of Adjustment

Filing Date: May 10, 2024
Hearing Date: June 18, 2024

File: A-2024-0152

**Owner/
Applicant:** Sarbjit Kang and Sukhvir Kang
Nilamraj Patel

Address: 82 Bartley Bull Parkway

Ward: 3

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0152 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 the applicant/owner to 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; 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 lot coverage.

The applicant has received Custom Home Approval for Architectural Control as part of City File CH-2023-0001 which involved a detailed Engineering and Urban Design review.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', 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 Variance:

The applicant is requesting the following variance:

1. To permit a lot coverage of 39.47% 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 Residential' in the Flowertown Secondary Plan (Area 6). In relation to Council Endorsed Brampton Plan 2023, the subject property is designated as 'Residential' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 - Designations). 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 variance to increase the allowable lot coverage will facilitate the construction of a new single detached dwelling. The variance is considered to align 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

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

The variance is requested to permit a lot coverage of 39.47% 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 the dwelling is appropriate relative to the size of the property to maintain a desired character and does not detract from the provision of open space.

The owner is proposing to demolish the existing detached one-storey residential dwelling on the property and constructing a new two-storey detached residential dwelling. The subject property has an approximate area of 541.64 square metres and is generally rectangularly shaped. The proposed new detached dwelling will have an approximate total area of 213.77 square metres (2,301.06 sq ft). This total includes the main dwelling, garage, covered patio, and porch area. The proposed residential dwelling does not generate any additional variances other than the increase in lot coverage by 9.47%. All other aspects of the proposed dwelling complies with the Mature Neighbourhood requirements including building height and setbacks. It is staff's opinion that sufficient area will be maintained for open space and landscaping on the lot as the applicant is maintain the required front and rear yard

setback. Given compliance with other development standards, the physical building massing is not anticipated to be imposing or out of character with the mature neighbourhood.

This neighbourhood continues to be an area of reinvestment and change, and it is anticipated that density within the area will increase over time as new infill developments are proposed. 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. Furthermore, the applicant/owner have received Custom Home Application approvals which included the review of engineering drawings to ensure that drainage is not adversely impacted on neighbouring properties. Therefore, there are no drainage impacts anticipated as a result from the increased lot coverage. Given the size of the lot and the extent of the proposed the proposed dwelling, the increase in lot coverage is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

A variance 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 9.47% increase to the total lot coverage and is needed to permit the proposed dwelling. The increase in lot coverage is not anticipated to significantly impact the scale of the dwelling or contribute to what may be considered the overdevelopment of the lot when compared to the as-of-right permissions. 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. Given that some vegetation will be impacted from the proposal, a condition of approval is provided that the applicant/owner to 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. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variance is requested to facilitate the proposed development of a new two-storey detached residential dwelling on the property. The proposed dwelling is in keeping with the general character of the neighbourhood as many properties in this neighbourhood are two storey dwellings. The proposal satisfies all other requirements of the Zoning By-law and is not perceived to cause any adverse impacts to the property or adjacent properties, nor does it alter its residential use. The increased lot coverage is minor and appropriate for the subject lands.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Site Visit – Appendix A

