



Report Committee of Adjustment

Filing Date: June 12, 2024

Hearing Date: July 16, 2024

File: A-2024-0224

**Owner/
Applicant:** ASLIM HUSSAIN AND NABILA ASLIM

Address: 19 Mayfair Crescent

Ward: WARD 7

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0224 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. The owner shall obtain a building permit within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 3. That drainage shall not be adversely affected on adjacent properties; and,
 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 Townhouse A(2) (R3(A)2)', according to By-law 270-2004, as amended.

Requested Variances:

The applicants are requesting the following variances:

1. To permit an interior side yard setback of 0.601m to a proposed addition whereas the by-law requires a minimum interior side yard setback of 1.2m to a one-storey addition;

2. To permit a rear yard setback of 2.714m to a proposed addition whereas the by-law requires a minimum rear yard setback of 6.3m; and
3. To permit a lot coverage of 49.5% 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 'Residential' in the Official Plan and 'Medium Density Residential' in the Bramalea Secondary Plan (Area 3). As per the Regionally-Approved Brampton Plan the subject property is designated 'Community Areas' (Schedule 1A) and 'Neighbourhoods' (Schedule 2). The requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is currently zoned 'Residential Townhouse A(2),' (R3(A)2), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an interior side yard setback of 0.601m to an existing addition whereas the by-law requires a minimum interior side yard setback of 1.2m to a one-storey addition. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained between dwellings.

The applicant is proposing to permit the constructed one storey addition. A 0.60m reduction to the interior side yard setback is requested from what the By-law permits. The addition will be located along the rear northern wall of the dwelling and will maintain all other requirements, except the rear yard setback and lot coverage requirements as noted below, set out in the Zoning By-law such as the height and size. Despite the reduced side yard setback, the addition is not anticipated to adversely impact the visual massing or shadowing on adjacent properties. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a rear yard setback of 2.714m to a proposed addition whereas the by-law requires a minimum rear yard setback of 6.3m. The intent of the by-law in regulating the required rear yard setback is to ensure that sufficient space is provided for the rear yard amenity area for the property.

The applicant is requesting to facilitate the construction of an existing one-storey building addition. The location and configuration of the addition relative to the lot size and surrounding area ensure that the 3.59m reduction in the rear yard setback is not anticipated to significantly limit the rear yard amenity area in a negative manner. Sufficient amenity space is maintained at the rear yard. Furthermore, the variance is in part due to the existing building footprint relative to the irregular shape

of the lot in the rear. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a lot coverage of 49.5% 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 to the size of the property.

A proposed total coverage of 22.2 sq. m is requested to facilitate the overall development of the proposed addition on the 231 sq. m lot. This represents a 19.5% increase from what the by-law permits. The existing lot coverage of the dwelling is 39.9%, which is considered legal non-conforming. The difference in lot coverage from the existing dwelling to the proposed addition represents a 9.6% increase. Despite this increase in lot coverage, sufficient area will be maintained for open space and landscaping on the lot. Given the size of the lot and the extent of the proposed addition, 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

Variance 1 is requested to permit an interior side yard setback of 0.601m to an existing one storey addition. The addition located at the rear of the dwelling was constructed in a manner that allows passage to the side entrance and rear yard. Additionally, the reduced 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. A condition is included that drainage to adjacent properties shall not be adversely affected. Furthermore, Building Staff have advised that the amount of glazed openings in the rear addition will be restricted based on the limiting distance, and is required to conform to Division B, 9.10.15.4. of the Ontario Building Code. Building staff have advised that the amount of glazed openings for the rear and side wall of the addition will be addressed during the building permit application process. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Heritage Staff note that the subject lands exhibit high archaeological potential because they are within 300 meters of known archaeological sites, present/past water sources or a known cultural heritage resource. Should previously undocumented archeological resources be discovered, there may be a new archeological site and therefore subject to Section 48 of the Ontario Heritage Act. The proponent/ person discovering the archaeological resources must immediately cease alteration of the site, engage a licensed consultant archaeologist to carry out the archaeological field work, in compliance with Section 48 (1) of the Ontario Heritage Act, and also contact City Heritage staff. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified.

Variance 2 is requested to accommodate a decrease to the rear yard setback for a portion of the northeast wall. A 3.59m 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. The reduction is in part due to the building footprint relative to the diagonal rear lot line and is only applicable to the northeastern corner of the dwelling. 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 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 19.5% increase to the total lot coverage and is needed to permit the existing addition and 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 3 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 building lot coverage and reduced side and rear yard setback are requested to facilitate the rear one storey addition. The reduced rear yard setback of 0.60m and reduced rear yard setback of 3.59m is not anticipated to significantly impact shadowing or contribute to a massing that imposes onto adjacent properties. The proposed side and rear yard setbacks are 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 9.6% 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,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

