



Report Committee of Adjustment

Filing Date: March 5, 2024
Hearing Date: August 20, 2024

File: A-2024-0068

**Owner/
Applicant:** Baligh Graieb and Nora Graieb
Alana + Kelly Design Co. Ltd

Address: 10 Hazelwood Drive

Ward: 7

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0068 is supportable in part, 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 variance 2 to permit a front yard setback of 1.6 metres to a proposed ground floor addition, whereas the by-law requires a minimum front yard setback of 9.0 metres be refused;
 3. To variance 4 to permit a lot coverage of 39%, whereas the by-law permits a maximum lot coverage of 25% be refused;
 4. The owner shall obtain a building permit for the rear yard gazebo structures within 60 days of the decision of approval or extended at the discretion of the Chief Building Official ;
 5. 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/ Committee of Adjustment approval. A tree removal permit will be required;
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

This proposal contemplates a ground floor addition (garage) and a second-floor addition over the existing garage located on the subject property. This application had been previously deferred at the April 23 and July 16 Committee of Adjustment meeting to provide the applicant with sufficient time to address Toronto and Region Conservation Authority (TRCA) concerns regarding encroachment of the proposed ground floor addition into a floodplain area. Following discussions with TRCA staff the following two variances were revised:

2. To permit a front yard setback of 1.6 metres to a proposed ground floor addition, whereas the by-law requires a minimum front yard setback of 9.0 metres; and
4. To permit a lot coverage of 39%, whereas the by-law permits a maximum lot coverage of 25%.
 - o Staff note that the aforementioned variance was incorrectly stated on the public notice as 42% whereas the revised proposal contemplates a lot coverage of 39%. This represents a 3% reduction to the original proposal. Staff have reviewed and will provide a recommendation regarding the request to permit a lot coverage of 39%, whereas the by-law permits a maximum lot coverage of 25%.

Existing Zoning:

The property is zoned 'Residential Single Detached A(2) (R1A(2))', according to By-law 270-2004, as amended and is located within the Mature Neighbourhood Area.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (existing pergola) having a gross floor area of 37.53 square metres (404 sq ft), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure;
2. To permit a front yard setback of 1.6 metres to a proposed ground floor addition, whereas the by-law requires a minimum front yard setback of 9.0 metres;
3. To permit an interior side yard setback of 1.995 metres to a proposed second floor addition, whereas the by-law requires a minimum interior side yard setback of 2.8 metres;
4. To permit a lot coverage of 42%, whereas the by-law permits a maximum lot coverage of 25%;
 - o Note: The applicant has provided staff with a site plan drawing depicting a revised lot coverage of 39%. Zoning staff have reviewed the revised drawing and have advised the above variance will need to be revised to the following: *To permit a lot coverage of 42%, whereas the by-law permits a maximum lot coverage of 25%*
5. To permit an accessory structure (existing shed) having a setback of 0.49 metres to the side lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line;
6. To permit an accessory structure (existing pergola) having a gross floor area of 18.95 square metres (204 square feet), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure;

7. To permit an accessory structure (existing pergola) having a height of 3.1 metre, whereas the by-law permits an accessory structure having a maximum height of 3.0 metres;
8. To permit an accessory structure (existing pergola) having a height of 3.2 metres, whereas the by-law permits an accessory structure having a maximum height of 3.0 metres; and
9. To permit a combined gross floor area of 71.34 square metres for three (3) accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as 'Community Areas' (Schedule 1A) and 'Neighbourhoods' (Schedule 2) in the Brampton Plan (2023). On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved. Within the 2006 Official Plan, the subject property is designated as 'Residential' and 'Low Density 1 – Residential' in the Bramalea Secondary Plan (Area 3).

Furthermore, the subject property is subject to the Older, Mature Neighbourhoods Official Plan policies which have been put in place to protect established neighbourhoods from incompatible new or replacement dwellings and building additions in which massing, scale and height of the dwellings or building additions should be consistent with the host neighbourhood. Section 4.2.1.20.2 of the Official Plan states dwellings or building additions should be generally consistent with the setbacks, orientation and building separation distances within the host neighbourhood. In this regard, staff have concerns with variance 2 to permit a front yard setback of 1.6m to a proposed ground floor addition (garage) and associated variance 4 regarding lot coverage which permits a lot coverage of 39% inclusive of the ground floor addition relative to the intent of the Mature Neighbourhood Area policies. They are therefore, not not considered to maintain the general intent of the Official Plan.

Regarding variances 1, 3, 5 to 9, they are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent of the Official Plan.

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

The property is zoned 'Residential Single Detached A(2) (R1A(2))', according to By-law 270-2004, as amended and is located within the Mature Neighbourhood Area.

Setbacks

Variance 3 is requested to permit an interior side yard setback of 1.995 metres to a proposed second floor addition, whereas the by-law requires a minimum interior side yard setback of 2.8 metres. The intent of the by-law in regulating the required side yard setback to a second storey 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 applicant is proposing to construct a second storey addition above the existing attached garage located on the east side of the property. The addition will be located directly above the garage and will maintain the existing side yard setbacks of the garage. A 0.805m reduction to the second storey side yard setback is requested from what the by-law permits. The garage wall at the ground floor level maintains the minimum 2.8m minimum interior side yard width. This reduction is not anticipated to cause significant impacts relating to the visual massing of the dwelling. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit an accessory structure (existing shed) having a setback of 0.49 metres to the side lot line, whereas the by-law requires a minimum 0.6 metres to the nearest lot line. The intent of the by-law in regulating the setback to the nearest lot line is to ensure that sufficient space is provided for drainage and to provide sufficient space to maintain the structure.

The existing shed does not impact access to the rear yard and adequate space is provided for maintenance of the shed. City of Brampton engineering staff reviewed the proposed development and were satisfied that the existing shed is constructed and located in such a way that it does not appear to create any drainage runoff onto neighbouring properties as the shed's roof appears to direct runoff onto the subject property. The structure maintains all other Zoning By-law requirements. Variance 5 is considered to maintain the general intent of the Zoning By-law.

Increase in Accessory Structure Height

Variances 7 and 8 are being requested in regard to the existing height of two separate accessory structures located in the rear yard of the property.

Variance 7 is requested to permit an accessory structure (existing pergola) having a height of 3.1 metre, whereas the by-law permits an accessory structure having a maximum height of 3.0 metres. To permit an accessory structure (existing pergola) having a height of 3.2 metres, whereas the by-law permits an accessory structure having a maximum height of 3.0 metres. The intent of the by-law in regulating the permitted height of an accessory structure is to ensure that the structure does not have negative visual massing impacts on adjacent properties.

Variance 7 relates to a 0.10 metres height increase of an existing accessory structure, and Variance 8 relates to a 0.20 metres height increase of an existing accessory structure located in the rear of the subject property. The rear of the subject property is adjacent to open space areas and mature trees which provide screening. There are no adjacent residential properties that would be impacted by the accessory structures. Given the open style design, the location of the structure, and the size of the property, the height of the gazebo is not considered to create negative visual massing impacts on adjacent properties.

Subject to conditions of approval, variances 7 and 8 are considered to maintain the general intent and purpose of the Zoning By-law.

Gross Floor Area for Accessory Structures

Variance 1 is requested to permit an accessory structure (existing pergola) having a gross floor area of 37.53 square metres (404 sq ft), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure. Variance 6 is requested to permit an accessory structure (existing pergola) having a gross floor area of 18.95 square metres (204 square feet), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure. Variance 9 is requested to permit a combined gross floor area of 71.34 square metres for three (3) accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures. The intent of the by-law in regulating the maximum permitted floor area of an accessory structure is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property.

The accessory structures are intended to enhance the outdoor amenity space in the rear yard and provide for enclosed storage. While the applicant is requesting a combined gross floor area for the accessory structures that is 51.34 sq. m greater than what the by-law permits, the design and nature of the proposed accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the size of the property, the three (3) accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property. Subject to the recommended conditions of approval, Variances 1, 6 and 9 maintain the general intent and purpose of the Zoning By-law.

Front Yard Setback

Variance 2 is requested permit a front yard setback of 1.6 metres to a proposed ground floor addition, whereas the by-law requires a minimum front yard setback of 9.0 metres. The intent of the front yard setback is to provide sufficient opportunities for landscaping at the front of the house and to ensure that vehicles exiting the driveway have sufficient sightlines to detect pedestrians and vehicles using the municipal right-of-way. The setback requirement is also to ensure that buildings are appropriately located relative to the property lines to maintain a certain neighbourhood character.

The variance is required to facilitate the construction of a proposed ground floor addition (second attached garage). The addition is planned to extend the garage wall to enclose the space in order to align the garage with the existing front façade. The applicant is proposing to demolish the existing car port located in the front yard to facilitate the construction of the second garage. A 8.145m reduction to the front yard setback is requested from what the by-law permits. In December 2018, the applicant/owner received approval for two variances regarding a carport in the front yard. In particular, the carport required a variance for a front yard setback of 1.22m. In the Staff Report (Appendix B), staff provided two conditions of approval stating that the existing pergola and carport remain as an “open style” construction (condition 3). In this instance, staff have concerns that the significant reduction to the front yard setback limits site lines on the property. Furthermore, the City’s Open Space Open Space staff have a concern with the home & garage construction impacting the long-term health of any existing trees. The tree(s) are to be identified on the plan and protected with hoarding at the dripline. Any work

within the dripline of the existing trees is strongly discouraged. Subject to the recommended conditions of approval, variance 2 does not maintain the general intent and purpose of the Zoning By-law.

Lot Coverage

Variance 4 is requested to permit a lot coverage of 39%, whereas the by-law permits a maximum lot coverage of 25%. The 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 and does not detract from the provision of outdoor amenity area on the property.

The City's Zoning by-law defines coverage as the percentage of the land or lot area covered by buildings. In the case of the subject zone, the maximum lot coverage has the effect of restraining the extent to which some of the other setback requirements can be maximized. The proposed lot coverage represents a 14% increase to the overall permitted coverage. The scope of work for the application is to construct a proposed addition above the existing garage on the east side of the property and a proposed ground floor addition on the west side. As noted in the applicant's site plan statistics table, the existing dwelling has a lot coverage of 25%, the proposed additions provide an 8% coverage and the accessory structures provide a 6% coverage. Staff have concerns that the proposed ground floor addition will contribute to a structure that is well beyond the size of other dwellings in the vicinity and contribute to an overdevelopment of the lot. Subject to the recommended conditions of approval, variance 4 does not maintain the general intent and purpose of the by-law

3. Desirable for the Appropriate Development of the Land

Variances 1 and 3 are requested to permit a reduced interior side yard setbacks to a proposed ground floor addition and proposed second floor addition. The variances are to permit a minor decrease to the side yard setback to the first and second storeys. The reduction 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. Variances 1 and 3 are considered desirable for the appropriate development of the land.

Variance 2 requests a front yard setback of 1.6m to a garage addition, and variance 4 requests to permit a lot coverage of 39%. The request to allow a reduced front yard setback and an increase in the lot coverage for a proposed building addition will alter the character of the area and adversely impact the adjacent residential properties. The addition proposed to this home will not be compatible with the built form of the existing neighbourhood. The requested variances are not desirable for the appropriate development of the land. Subject to the recommended conditions, the proposed variances 2 and 4 are not desirable for the appropriate development of the land.

Variances 1, 6, 7, 8 and 9 are intended to facilitate the compliance of 3 accessory structures on the property. Due to the large size of the property, the addition of the accessory structures are not considered to create negative visual massing impacts on adjacent properties or reduce the availability of outdoor amenity space. The City's Building staff have reviewed the site visit photos and advised that the two existing rear yard gazebos has been constructed without a building permit. They are indicated as pergolas on the site plan, but site photos indicate that they are roofed, and not opened above. A condition of approval is provided that the owner shall obtain a building permit for the rear yard gazebo

structures within 60 days of the decision of approval. Subject to the recommended conditions of approval, Variances 6, 7, 8, and 9 are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variance 3 relating to the dwelling's interior side yard setback is requested to permit the proposed addition over the existing garage. The proposed reduction to the second storey side 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 addition. Due to the lot size and configuration, the proposed addition is not anticipated to create adverse impacts related to privacy and massing as it will be screened by the existing trees on the side lot line. Variances 1 and 3 are considered minor in nature.

The subject lands are located within a residential area with relatively large lot sizes. Considering the size and conditions of the property, the accessory structure is not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structures in relation to the surrounding land context does not generate privacy or shadowing impacts. The accessory structures enhance the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. Subject to the recommended conditions of approval, Variances 6, 7, 8 and 9 are considered to be minor in nature.

The requested variances to reduce the required front yard setback and to increase the allowable lot coverage for a proposed ground floor and second floor building addition will alter the character of the area and create adverse impacts to nearby properties and the surrounding neighbourhood. Variances 2 and 4 are not minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Site Visit Photos (Appendix A)



