

Filing Date: January 18, 2021

Hearing Date: March 30, 2021

File: A-2021-0004

**Owner/
Applicant:** **FRANK & KARLENE GASPER**

Address: **17 Jerome Crescent**

Ward: 8

Contact: Noel Cubacub, Assistant Development Planner

Recommendations:

That application A-2021-0004 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 owner finalize site plan approval under City File **SPA-2020-0166**, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That a privacy screen, having a maximum height of 1.8m, shall be added and affixed to the north side of the second storey deck to the satisfaction of the Director of Development Services. Required screening shall meet the definition for Privacy Screen set out in the By-law and comply with the requirements and restrictions of Section 10.10;
 4. That the above grade entrance shall not be used to access an unregistered second unit;
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:**Existing Zoning:**

The property is zoned "Residential Single Detached R1B(1)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey;
2. To permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed deck off the second storey whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
3. To permit a building height of 8.001m (26.25 ft.) whereas the by-law permits a maximum building height of 7.6m (24.94 ft.).

Current Situation:**1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the Official Plan and "Low Density 1 Residential 1" in the Bramalea Secondary Plan (Area 3). The Residential designation supports the current use and the variance is not expected to have any significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintain the general purpose and intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Residential Single Detached R1B(1)" according to By-law 270-2004, as amended.

Variance 1 is requested to permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey. 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 reduced setback for the second storey is not anticipated to negatively impact the adjacent properties as the secondary storey is designed to be built upon the existing foundation with minimal overhang.

A condition of approval is recommended that the owner finalize site plan approval under

City File **SPA-2020-0166** to the satisfaction of the Director of Development Services in order to ensure there are no concerns pertaining to distance and massing on adjacent properties.

Variance 2 is requested to permit an interior side yard setback of 1.42m (4.66 ft.) to a proposed deck off the second storey whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.). 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 second storey deck is not intended to be used as a communal space but a means to access the second storey unit and is not intended to negatively impact the adjacent property in terms of distance, massing or privacy concerns so long as the condition of approval is met.

A condition of approval is recommended that a privacy screen, having a maximum height of 1.8m, shall be added and affixed to the north side of the second storey deck to the satisfaction of the Director of Development Services and meets the Privacy Screen definition in the Zoning By-law.

Variance 3 is requested to permit a building height of 8.001m (26.25 ft.) whereas the by-law permits a maximum building height of 7.6m (24.94 ft.). 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 impacts on adjacent properties. The new dwelling height is proposed in a way that the total height of the dwelling is not in contention but rather the "mean roof." Through the design of the new roof there it is anticipated that there will be minimal or no negative impacts on the adjacent properties.

A condition of approval is recommended that the owner finalize site plan approval under City File **SPA-2020-0166** to the satisfaction of the Director of Development Services in order to ensure there are no concerns pertaining to distance and massing on adjacent properties.

Subject to the recommended conditions of approval, the requested variances maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are intended to allow for a reduced set back from the interior lot line to the second story, and second story deck, of 1.42m (4.66 ft.) from 1.8m (5.91 ft.). The proposed is meant to allow for an additional means of ingress and egress into the existing dwelling. Allowing for this additional ingress and egress is not anticipated to negatively impact the overall function of the property. Conditions of approval are recommended to coordinate the necessary approvals through site plan review as well as measures for privacy so that the adjacent properties are not negatively impacted. An additional condition of approval is recommended that the above grade entrance shall not be used to access an unregistered second unit so as to not facilitate an illegal two-unit dwelling.

Variance 3 is intended to allow for additional dwelling height to accommodate a new roof. The proposed dwelling height is meant to facilitate additional square footage and living space for the resident. It is anticipated that the new roof will cause minimal or no negative impacts on the adjacent properties. A condition of approval is recommended that the owner finalize site plan approval under City File **SPA-2020-0166** to the satisfaction of the Director of Development Services in order to ensure there are no concerns pertaining to distance and massing on adjacent properties.

Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

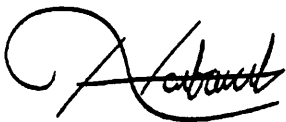
4. Minor in Nature

Variances 1 and 2 are to allow for a reduced set back from the interior lot line to the second story, and second story deck, of 1.42m (4.66 ft.) from 1.8m (5.91 ft.). The proposed reductions indicates a small change in the zoning requirements by little more than a foot in measurements. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision so as to not further reduce the setbacks for the second storey as well as the associated deck.

Variance 3 is intended to allow for additional dwelling height. The dwelling height, as well as design of the new roof, will be regulated through the site plan process so as to not impose any negative impacts associated with distance or massing on adjacent properties. A condition of approval is recommended that the owner finalize site plan approval under City File **SPA-2020-0166**, and post any required financial securities and insurance to the satisfaction of the Director of Development Services to ensure no adjacent properties are impacted.

The requested variances, subject to the recommended conditions of approval, is minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Noel Cubacub', written over a horizontal line.

Noel Cubacub
Assistant Development Planner