



Report Committee of Adjustment

Filing Date: May 26, 2021
Hearing Date: June 22, 2021

File: A-2021-0126

**Owner/
Applicant:** PARAMJIT GILL

Address: 5 Crescent Hill Drive South

Ward: WARD 7

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0126 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-2020-0177, execute a site plan agreement, 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 expand the footprint of the existing one storey single detached dwelling and construct a two storey addition. A related Site Plan Approval application (SPA-2020-0177) was submitted in 2020 and associated Minor Variances are now requested to facilitate the proposed development.

Existing Zoning:

The property is zoned 'Residential Single Detached A (R1A-102)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 13.8m (45.41 ft.) whereas the By-law requires a minimum front yard setback of 15m (49.41 ft.);
2. To permit a dwelling height of 9.8m (32.15 ft.) whereas the By-law requires a maximum dwelling height of 7.6m (24.93 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain 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 A (R1A-102)', according to By-law 270-2004, as amended. The requested variances are required to facilitate a proposed two storey dwelling.

Variance 1 is requested to permit a front yard setback of 13.8m (45.41 ft.) whereas the By-law requires a minimum front yard setback of 15m (49.41 ft.). The intent of the By-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area.

The proposed front yard setback is approximately 1.2 metres (4.0 ft.) smaller than what the By-law permits. In the case of the subject property, the requested minimum front yard setback relates only to a portion of the proposed addition. The variance is primarily attributable to the irregular shape of the lot in the front of the property due to the curvature of Crescent Hill Drive South. The proposed front yard setback is not anticipated to impact the provision of parking in the front yard as the existing driveway will remain with a proposed attached garage situated in the southwest portion of the building. Given the size of the subject property and the existing mature vegetation, the reduced front yard setback is not anticipated to negatively impact the provision of landscaped area. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a dwelling height of 9.8m (32.15 ft.) whereas the By-law requires a maximum dwelling height of 7.6m (24.93 ft.). The intent of the By-law in regulating the dwelling height in residential zones is to ensure that there are no negative massing, shadowing and privacy impacts on adjacent properties.

The size of the subject lot is approximately 0.42 hectares (1.03 acres). The proposed building height is approximately 2.2m (7.22 ft.) greater than what the By-law permits. Given the location of the dwelling and it being situated on a relatively large lot, the increase in building height is not anticipated to create any adverse impacts related to shadowing, privacy, or massing. In addition, the property is surrounded by mature vegetation which provides natural screening thus limiting the visual impact on adjacent properties. Subject to the recommended conditions of approval, the requested variance conforms to the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are required to facilitate a two storey expansion to the existing one storey dwelling. Due to the shape and size of the property, and existing mature vegetation, the reduced front yard setback and increased building height are not anticipated to create negative on-site or off-site impacts. The property is currently subject to site plan control and as such, a condition of approval is recommended that the owner finalize site plan approval under City File SPA-2020-0177, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services.

4. Minor in Nature

The requested variances to permit a reduction in the minimum front yard setback and an increase in the maximum building height are required to facilitate the proposed building. Given the existing shape and context of the property, the variances are not expected to pose adverse impacts. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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