



Report Committee of Adjustment

Filing Date: July 7, 2021
Hearing Date: August 3, 2021

File: A-2021-0157

**Owner/
Applicant:** Daniel Leon Hernandez and Ana Mercy Quintana Valero

Address: 24 Lacewood Crescent

Ward: WARD 7

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0157 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 roof drainage from the accessory structure (portable gazebo) shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
 3. That a complete Site Plan application for Mature Neighbourhood shall be submitted;
 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 Semi-Detached A2 (R2A(2)-235)', 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 1.22m (4.0 ft.) to a second storey addition and an interior side yard setback of 0.65m (2.13 ft.) to a first storey addition whereas the by-law

requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey and 0.65m (2.13 ft.) to the first storey;

2. To permit lot coverage of 38.5% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit an interior side yard setback of 0.36m (1.18 ft.) to an existing accessory structure whereas the by-law requires a minimum interior side yard setback of 0.6m (1.97 ft.).

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The requested variances are not in conflict with the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

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

Variance 1 is requested to permit an interior side yard setback of 1.22m (4.0 ft.) to a second storey addition and an interior side yard setback of 0.65m (2.13 ft.) to a first storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey and 0.65m (2.13 ft.) to the first storey. The intent of the by-law in regulating the required interior side yard setback to a second and first 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 variance represents a 0.58m (1.9 ft.) reduction to the interior side yard setback to the second storey from what the by-law permits. In the case of the subject property, there is sufficient spatial separation between adjacent properties and the proposed addition. The proposed massing of the addition is in line with the characteristics of the neighbourhood and adjacent dwellings. This reduction is not anticipated to cause negative impacts relating to the visual massing of the dwelling. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit lot coverage of 38.5% whereas the by-law permits a maximum lot coverage of 30%. 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.

In the case of this request, the 8.5% increase in lot coverage is related to the proposed addition at the rear of the dwelling. The proposal to construct a second storey addition does not impact the existing building footprint at the ground level as it is only adding floor space at the second storey. Staff do not anticipate negative impacts to the provision of outdoor amenity space in the rear yard resulting from the proposed second storey addition. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an interior side yard setback of 0.36m (1.18 ft.) to an existing accessory structure whereas the by-law requires a minimum interior side yard setback of 0.6m (1.97 ft.). The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage.

The variance relates to a portable gazebo located at the rear of the dwelling. The existing reduction is not anticipated to impact drainage for the subject property or adjacent properties. A condition of approval is recommended that roof drainage from the accessory structure (portable gazebo) shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted. Subject to conditions of approval, variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to facilitate the construction of a new second storey addition to the existing dwelling. The reduction to the interior side yard setback for the second storey is not anticipated generate visual or massing impacts as there is sufficient spatial separation between adjacent properties and the proposed addition. The increased lot coverage is a result of the second storey addition. The variance will have no impact in terms of detracting from the provision of outdoor amenity area on the property. A condition of approval is recommended that a complete Site Plan application for Mature Neighbourhood shall be submitted. Subject to the recommended conditions of approval, variances 1 and 2 are considered to be desirable for the appropriate development of the land.

Variance 3 is requested for the setback of an existing accessory structure. Subject to the recommended conditions of approval, the reduced setback for the portable gazebo is not considered to impact drainage and is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances relate to a proposed second storey addition at the rear of the dwelling and an existing accessory structure. Subject to the recommended conditions of approval, no negative impacts are anticipated as a result of the variances. The variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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