



Report Committee of Adjustment

Filing Date: June 30, 2021
Hearing Date: August 3, 2021
File: A-2021-0142
**Owner/
Applicant:** Pritpal Munday & Sarbjit Munday
Address: 5 Isabella Street
Ward: 1
Contact: Anastasia Abrazhevich, Planning Technician

Recommendations:

That application A-2021-0142 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-2021-0038 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 redevelop the property to construct a new two-storey residential dwelling which is the subject of a Site Plan application SPA-2021-0038, currently under review. Variances for the building setback and building height are required to facilitate the project.

Existing Zoning:

The property is zoned "Residential Single Detached B (R1B)" 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 1.3m (4.27 ft.) to the second storey of a new two-storey dwelling whereas the by-law requires a minimum interior side yard setback of 1.8m (5.90 ft) to the second storey.
2. To permit a building height of 8.8m (28.87ft) whereas the bylaw permits a maximum building height of 8.5m (27.89 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" in the Downtown Brampton Secondary Plan (Area 7). The site is also subject to Policy 8.5.5 where Area C (Isabella/Rosedale) are considered by the City areas worthy of study to examine the feasibility of Heritage District Designation pursuant to Part V of the Ontario Heritage Act. Until such time as a decision on district designation is complete, the following factors shall be considered by the City as appropriate in reviewing development applications in these area i) the placement and relationship of buildings; ii) the scale and character of building groups, iii) vegetation such as mature trees and other natural features of heritage and/or scenic value; and, iv) vistas, views and the streetscape.

The heritage matters are being addressed through the associated Site Plan application and through a heritage impact study. The requested variances have no impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approval, the general intent and purpose of the Official Plan is maintained.

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

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended. The requested variance is intended to facilitate the establishment of a new two-storey dwelling.

Variance 1 is requested to permit an interior side yard setback of 1.3m (4.27 ft.) to the second storey of a new two-storey dwelling whereas the by-law requires a minimum interior side yard setback of 1.8m (5.90 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 variance represents a 0.50m (1.63 ft.) reduction to the second storey interior side yard setback from what the by-law permits. In the case of the subject property, there is

sufficient spatial separation between the adjacent properties and the proposed addition. The variance is not anticipated to have negative impacts relating to visual massing or shadowing on adjacent properties. 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 to permit a building height of 8.8m (28.87 ft.) whereas the bylaw permits a maximum building height of 8.5m (27.89 ft.). The intent of regulating dwelling height in residential zones is to ensure that there are no negative massing, shadowing and privacy impacts on adjacent properties. Given that the proposed dwelling will be situated on a relatively large lot, the increase in building height is not anticipated to create any adverse impacts (i.e. shadowing, privacy, massing). The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the construction of new two-storey dwelling on the property. A new two-storey dwelling has been proposed and is currently under review through Site Plan application (SPA-2021-0038) in which Heritage Planning staff have provided comments on the design of the dwelling.

The proposed setback to the second storey and building height are not anticipated to affect the surrounding streetscape or negatively impact the overall residential function of the dwelling. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0038 to the satisfaction of the Director of Development Services. 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

The requested variances to increase the building height and decrease the interior side yard setback to the second storey are not anticipated to have negative on-site or off-site impacts. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Anastasia Abrazhevich

Anastasia Abrazhevich, Planning Technician