



Report Committee of Adjustment

Filing Date: July 26, 2021
Hearing Date: August 24, 2021

File: A-2021-0167

**Owner/
Applicant:** HAKAM SINGH SANDHU AND SURINDERPAL KAUR SANDHU

Address: 11 Hillcrest Avenue

Ward: WARD 3

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0167 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 the owner finalize site plan approval under City File SPA-2021-0077 and post any required financial securities and insurance to the satisfaction of the Director of Development Services.
 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:

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 interior side yard setbacks of 1.24m (4.07 ft.) and 1.5m (4.92 ft.) whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
2. To permit a building height of 9.01m (30 ft.) whereas the by-law permits a maximum building height of 8.5m (27.89 ft.);

3. To permit lot coverage of 38.8% whereas the by-law permits a maximum lot coverage of 30%.

Current Situation:

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

The property is designated 'Central Area' in the Official Plan and 'Medium Density' in the Queen Street Corridor Secondary Plan (Area 36). The property is also subject to the "Older, Mature Neighbourhoods" policies, which have been put in place to protect established neighbourhoods from incompatible new or replacement dwellings or building additions while still allowing for change and reinvestment that is sensitive to the character of the neighbourhood. The 'Medium Density' designation encourages infill residential development that is sympathetic to the existing building stock. This property is located in a neighbourhood that is transitioning into a higher density area. The modest increase in the height of the building, and increase in the lot coverage is expected to be compatible and consistent with the ongoing transition of the neighbourhood.

The nature and extent of the requested variances do not impact Official Plan policies. The general purpose and intent of the Official Plan is maintained.

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

Variance 1 is requested to permit interior side yard setbacks of 1.24m (4.07 ft.) and 1.5m (4.92 ft.) whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.). The intent of the By-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained to access the rear yard of the property and for drainage.

The existing dwelling on the property, which is proposed to be demolished, currently has interior side yard setback of approximately 0.79m (2.95 ft.) to the southwest and 5.84m (19.16 ft.) to the northeast portion of the building. The first variance is to reduce the southwestern interior side yard setbacks by 0.56m (1.84 ft.) from what the by-law permits. In the case of the southwestern setback, the future building is proposed to have a greater setback than what the current building holds. Additionally, a reduction of 0.30m (0.99 ft.) to the interior side yard setback for the northeast portion of the building is also proposed. The proposed setbacks are considered to provide sufficient separation between the building, the property line and adjacent buildings which maintain access to the rear yard and does not impact drainage. The variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a building height of 9.01m (30 ft.) whereas the by-law permits a maximum building height of 8.5m (27.89 ft.). The intent of the by-law in regulating building heights in residential zones is to ensure that there are no negative massing, shadowing and privacy impacts on adjacent properties and that new buildings are not excessively taller than the height of surrounding buildings.

The applicant proposes to increase the height of the roof by 0.50m (2.11 ft.) which is not considered to significantly exceed the permitted height in the Zoning By-law and allows the building to be designed and proportioned appropriately. The increased 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.

Variance 3 is requested to permit lot coverage of 38.8% 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 or negatively impact drainage.

This neighbourhood continues to be an area of reinvestment and change, and it is anticipated that density within the area will increase. As a result, it is expected that developments which have greater massing and scale will proceed in the future. Currently, there are a number of examples in the area where larger developments are approved and constructed. Drainage is not expected to be negatively impacted resulting from the increased lot coverage. Furthermore, through the site plan review process, City staff will review engineering drawings to ensure drainage does not adversely affect neighbouring properties. 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

This property is subject to the Older, Mature Neighbourhood zoning provisions. As noted, the applicant requires site plan approval for the proposal prior to applying for a building permit. Accordingly, the applicant submitted a site plan application in April 2021 (File No. SPA-2021-0077). Through site plan review, technical matters related to urban design, drainage, and landscaping will be addressed to the satisfaction of the Director of Development Services to ensure impacts on adjacent properties are minimized. Site plan review will ensure that the proposed variances and the construction of the proposed building will not adversely impact the surrounding properties.

The applicant is proposing a dwelling which is compatible with the neighbourhood which is transitioning into a higher density area. The requested variances to allow a decrease in interior side yard setbacks, an increase in building height and lot coverage are not anticipated to create adverse impacts on-site or off-site. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0077 and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to allow a decrease in interior side yard setbacks, an increase in building height and lot coverage will not create any adverse impact or alter the character of the area. The variance is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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