

Filing Date: July 29, 2020
Hearing Date: September 29, 2020
File: A-2020-0056
**Owner/
Applicant:** ADRIANA PATRICIA SERANO
Address: 187 Folkstone Crescent
Ward: 8
Contact: Janany Nagulan, Planner 1, Development

Recommendations:

That application A-2020-0056 is supportable, in part, subject to the following conditions being imposed:

1. That Variances 4 and 5 be refused and that the non-conforming portions of the fence be removed within thirty (30) days of the date of the Site Plan Approval, and said removal shall be demonstrated to the satisfaction of the Director of Development Services;
2. That the extent of Variances 1, 2 and 3 be limited to that shown on the sketch attached to public notice;
3. That the owner finalize Site Plan Approval under file SP17-030.000 to the satisfaction of the Director of Development Services within 180 days of the date of the final decision of the Committee, or as extended at the discretion of the Director of Development Services upon receipt of a written request for extension from the owner;
4. That drainage on adjacent properties not be adversely affected;
5. That any outdoor storage in the rear yard be removed and said removal demonstrated to the satisfaction of the Director of Development Services within sixty (60) days of the date of the final decision of the committee;
6. That any use of the basement as a secondary unit shall require registration and compliance with the Zoning- By law and Building Code; and
7. That failure to comply with and maintain any of the conditions of the Committee

will render the approval null and void.

Background:

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit lot coverage of 31% whereas the by-law permits a maximum lot coverage of 30%;
2. To permit an interior side yard setback of 1.487m (4.88 ft.) whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
3. To permit an open roofed porch to encroach 1.939m (6.36 ft.) into the minimum required front yard resulting in a setback of 5.661m (18.57 ft.) whereas the by-law permits a maximum encroachment of 1.8m (5.91 ft.) resulting in a front yard setback of 5.8m (19.03 ft.);
4. To permit an existing fence in the front yard having a maximum height of 1.37m (4.49 ft.) whereas the by-law permits a maximum fence height of 1.0m (3.28 ft.) in the front yard;
5. To permit an existing fence in the side and rear yard having a maximum height of 2.44m (8.00 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.) in the side and rear yards.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated "Residential" in the Official Community Plan and "Low Density 1 Residential" in the Bramalea Secondary Plan (Area 3). The requested variances are related to a proposed addition to be constructed on the existing residential dwelling. The requested variances are not considered to have significant impacts within the context of the policies of the Official Plan. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

The property is zoned "Residential Single Detached B(1) (R1B(1))" according to By-law 270-2004, as amended. Five variances to the By-law have been requested.

Variance 1 is requested to permit an increase in the maximum permitted lot coverage from 30% to 31%. The intent of the by-law in limiting maximum lot coverage is to ensure that the size of the dwelling is appropriate in scale to not only the property on which it sits but the overall neighbourhood. The proposed increase to lot coverage is nominal in nature and is not anticipated to impact the scale of the dwelling in a significant way. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit an interior side yard setback of 1.487m (4.88 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 regulating the minimum required interior side yard setback is to ensure that sufficient access is maintained to the rear yard of the dwelling. In the case of this dwelling, there will still be sufficient space to provide access to the rear yard on both sides of the dwelling. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit an open, roofed porch to encroach 1.939m (6.36ft) into the minimum required front yard whereas the by-law permits maximum encroachment of 1.8m (5.91ft.). The intent of the by-law in regulating the maximum permitted encroachment of open roofed porch is to ensure that the porch does not dominate the front yard amenity space and serves the primary function of covering the entrance to the dwelling. The proposed increased encroachment is not anticipated to negatively impact the provision of outdoor space in the front yard and will allow for an entry covering proportionate to the dwelling. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the Zoning By-law.

Variances 4 and 5 are requested to permit an increased fence height in the front yard from 1.0m (3.28ft) to 1.37m (4.49ft) and in the side and rear yards from 2.0m (6.56ft) to 2.44m (8.00ft). The intent of regulating the maximum height of a fence in a residential neighborhood is to ensure that adjacent properties are not adversely impacted by a canyon-like effect along lot lines and that sightlines are not negatively impacted. The variance relates to the existing fences on the property. This increase in fence height contributes to a canyon-like effect along the lot lines and is of a scale that exceeds the creation of privacy. Variances 4 and 5 are not considered to maintain the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1, to permit an increase in lot coverage from 30% to 31% represents a modest increase that is not anticipated to significantly impact the mass of the dwelling or detract from the provision of outdoor amenity space on the property. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 requests to permit a reduced interior side yard setback from the required 1.8m (5.91 ft.) to 1.487m (4.88 ft.). The proposed reduced setback will provide sufficient

access to the rear yard, and a setback of 1.8m (5.91 ft.) is provided on the opposite side of the dwelling. Subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 relates to a proposed porch to be constructed for the dwelling which will encroach into the front yard by 1.939m (6.36ft) whereas the by-law permits a maximum encroachment of 1.8m (5.91ft.). The increased encroachment will allow for construction of a porch that is appropriate in size and scale to the rest of the dwelling. A condition of approval is recommended that the applicant finalize the existing Site Plan Application (SP17-030.000) which will allow a review of the overall design of the dwelling to ensure the proposed porch, among other elements, are appropriate for the dwelling and neighbourhood. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

Variances 4 and 5 relate to oversized fences in both the front yard (1.37m (4.49 ft)) and rear yard (2.44m (8 ft)). These fences are of a scale that exceeds the provision of privacy, notably for a single family dwelling within a neighbourhood of other single family dwellings that are of the same scale and height. Variances 4 and 5 are not considered to be desirable for the appropriate development of the land.

Given that these fences are planned to be replaced in association with the renovations of the dwelling, it is recommended that the requested Variances be refused and that the fences shall be removed within 30 days of Site Plan approval. This will facilitate the transition between the existing oversized fences and the proposed compliant fences.

4. Minor in Nature

Variances 1, 2, and 3 represent modest and often nominal relief from the zoning requirements. The project is subject to review through a Site Plan Application which will allow the overall design and size of the dwelling to be evaluated by Planning staff. Subject to the recommended conditions of approval, Variances 1, 2, and 3 are considered to be minor in nature.

Variances 4 and 5 relate to existing fences on the property which are oversized. The height of the fences are not consistent with the residential character of the property and exceed what is needed to provide privacy for the property. Variances 4 and 5 are not considered to be minor in nature and it is recommended that the fences be removed within 30 days of the date of the Site Plan Approval.

Respectfully Submitted,

Janany Nagulan

Janany Nagulan, Planner I, Development