



Report Committee of Adjustment

Filing Date: August 22, 2022

Hearing Date: September 13, 2022

File: A-2022-0275

**Owner/
Applicant:** RANJI BISSESSAR & SONYA DHANJAL / VULCAN DESIGN C/O DAN BERRY

Address: 39 Guest Street

Ward: WARD 3

Contact: Nitika Jagtiani, Planner III, Development Services

Recommendations:

That application A-2022-0275 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 drainage on adjacent properties shall not be adversely affected;
 3. That the owner finalize site plan approval under City File: SPA-2022-0151 within 120 days, or within an extended period of time as approved by the Director of Development Services;
 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 Single Detached (R1B)*" according to By-law 270-2004, as amended. The requested variances are intended to facilitate a single detached unit on subject lands. The existing dwelling on site is proposed to be demolished.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an easterly side yard setback of 0.89m (2.92 ft.) to the first storey whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the first storey where the lot width is less than or equal to 16 metres;
2. To permit a westerly side yard setback of 1.31m (4.30 ft.) and an easterly side yard setback of 1.12m (3.67 ft.) to the second storey whereas the by-law requires a minimum setback of 1.8m (5.91 ft.) where the lot width is less than or equal to 16 metres;
3. To permit a maximum building height of 9.04m (26.66 ft.) to the mid point of the roof whereas the by-law permits a maximum building height of 8.5m (27.90 ft.) to the mid point of the roof;
4. To permit a maximum lot coverage of 35.4% 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 subject property is designated as “Residential” in the Official Plan and “Low Density Residential” in the Downtown Brampton Secondary Plan (Area 7). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

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

Variance 1 is requested to permit an easterly side yard setback of 0.89m (2.92 ft.) to the first storey whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the first storey where the lot width is less than or equal to 16 metres. The intent of the by-law in regulating minimum required interior side yard setbacks is to ensure that sufficient area is maintained for drainage, access to the rear yard and minimize impacts on the neighboring property. In the case of the subject property, the proposed single-detached dwelling will maintain a sufficient buffer with the neighboring property and proposed design of the dwelling is anticipated to provide sufficient area for drainage. Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit a westerly side yard setback of 1.31m (4.30 ft.) and an easterly side yard setback of 1.12m (3.67 ft.) to the second storey whereas the by-law requires a minimum setback of 1.8m (5.91 ft.) where the lot width is less than or equal to 16 metres. The intent of the by-law in regulating the required interior side yard setbacks to a second 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. In this instance, the second storey will maintain a 1.31m (4.30 ft.) westerly side yard setback and a 1.12m (3.67 ft.) easterly side yard setback which is consistent with the first

storey and is considered appropriate in terms of separation and massing. Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is requested to permit a building height of 9.04m (26.66 ft.) to the mid-point of the roof whereas the by-law permits a maximum building height of 8.5m (27.90 ft.) to the mid-point of the roof. The intent of the by-law in regulating the maximum permitted dwelling height for a property is to ensure that there are no negative massing impacts on adjacent properties. The new dwelling height is proposed in a way that the total height of the dwelling is not in contention but rather the "mean roof". Through the design of the new roof it is anticipated that there will be no minimal or no negative impacts on the adjacent properties. Variance 3 is considered to maintain the general intent of the Zoning By-law.

Variance 4 is to permit a lot coverage of 35.4% 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 property and does not detract from the provision of outdoor amenity area on the property. In the case of this request, the increased coverage is related to the size of the dwelling and the covered deck. Subject to the recommended conditions of approval, Variance 4 is considered to maintain the general intent of the Zoning By-law.

A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the required height and setbacks is consistent with what is presented in this application. An additional condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0151 and post any financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are deemed desirable for the appropriate development of the land.

3. Desirable for the Appropriate Development of the Land

Variance 1 and **Variance 2** is requested to facilitate reduced side yard setbacks to the first and second storey of the proposed single-family dwelling within the 'Mature Neighborhood' area as defined by the Official Plan. The requested setback is not anticipated to create negative massing impacts is consistent with the design of the building. Subject to the recommended conditions of approval, Variance 1 and Variance 2 is considered to be the appropriate development of the land.

Variance 3 is requested to permit a maximum building height of 9.04m (26.66 ft.) to the mid-point of the roof whereas the by-law permits a maximum building height of 8.5m (27.90 ft.) to the mid-point of the roof. The 0.45m (1.47ft.) increase to the building height is also a minor increase from the By-law requirements and is needed to accommodate the overall design and proposed roof configuration. This increase is not expected to generate adverse impacts to the adjacent properties in terms of shadowing.

Variance 4 is requested to permit a maximum lot coverage of 5.4% to the total lot coverage and is needed to allow the proposed single detached dwelling on subject lands. The increased coverage at the front of the dwelling and rear are not anticipated to result in site conditions contributing to a sense

that is over developed. Despite the lot coverage increase, sufficient amenity space at the front and rear is maintained. The variance is deemed desirable for the appropriate development of the land.

A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the required height and setbacks is consistent with what is presented in this application. An additional condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0151 and post any financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, the variances are deemed desirable for the appropriate development of the land.

5. Minor in Nature

Variance 1 and **Variance 2** is requested to permit reduced interior side yard setback to permit a single detached dwelling on existing subject lands. This represents a reduction that is minor in nature and is not anticipated to have significant impacts on the massing of the dwelling.

Variance 3 is intended to allow for maximum building height of 9.04m (26.66 ft.) to the midpoint of the roof whereas the by-law permits a maximum building height of 8.5m (27.90 ft.). The dwelling height, as well as design of the new roof, will be regulated through the site plan process so as to not impose any negative impacts associated with distance or massing on adjacent properties.

Variance 4, to permit lot coverage of 35.4% whereas the by-law permits a maximum lot coverage of 30% is not anticipated to negatively impact the massing or scale of the dwelling as it relates to the size of the property.

A condition of approval is recommended that the owner finalize site plan under City File SPA-2022-0151, and post any required financial securities and insurance to the satisfaction of the Director of Development Services to ensure no adjacent properties are impacted. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,



Nitika Jagtiani, MES (PI.), LEED AP ND
Planner III, Development Services