



## Report Committee of Adjustment

**Filing Date:** March 31, 2022  
**Hearing Date:** October 4, 2022

**File:** A-2022-0062

**Owner/  
Applicant:** Stefan Lout and Constance Lout

**Address:** 1 ISABELLA STREET

**Ward:** WARD 1

**Contact:** François Hémon-Morneau, Planner III

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### **Recommendations:**

That application A-2022-0062 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 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 an interior side yard setback of 1.3m (4.27 ft.) to a proposed building addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.);
2. To permit a rear yard setback of 5.4m (17.72 ft.) to a proposed building addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);
3. To permit lot coverage of 36.4% whereas the by-la permits a maximum lot coverage of 30%.

## **Current Situation:**

### Background

This application was submitted in March 2022 and subsequently deferred by the applicant following comments from staff requiring the submission of a Heritage Impact Assessment (HIA). 1 Isabella Street is designated under the Ontario Heritage Act and is also situated in a Mature Neighbourhood Area as defined in City By-laws. The applicant has submitted the HIA in support of the Heritage Permit to facilitate the proposed building addition to the existing heritage dwelling. The HIA was reviewed by Heritage Staff and was found to meet the City of Brampton's Terms of Reference for HIA's. The Brampton Heritage Board approved the Heritage Permit and HIA on September 20<sup>th</sup>, 2022.

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

The property is designated "Central Area" in the Official Plan and "Low-Density" residential in the Downtown Brampton Secondary Plan (Area 7). The variances are requested to facilitate the construction of a one-storey building addition to the existing heritage dwelling. 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 first variance is requested to permit a side yard setback of 1.3m (4.27 ft.) to the proposed building addition whereas the by-law requires an interior side yard setback of 1.8m (5.91 ft.). The intent of the By-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained between structures and the property line for drainage and access to the rear yard. The variance is required to facilitate the location of the proposed one-storey building addition at the rear of the existing dwelling. The southwestern limit of the proposed addition will have a minimum setback of 1.3m (4.26 ft.) which represents a 0.5m (1.64 ft.) reduction from what the by-law permits. The lot shape is slightly angled which results in the addition having a westerly side yard setback ranging from 2.3m (7.54 ft.) to 1.3m (4.26 ft.). The remaining area between the addition and the property line is not anticipated to generate negative impacts relating to the drainage or access given that sufficient area will be maintained. Furthermore, the addition will be one-storey in height and is not anticipated to negatively cause massing or shadowing impacts to the adjacent properties. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit a rear yard setback of 5.4m (17.72 ft.) to a proposed building addition whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the rear yard amenity area and that sufficient space is maintained between structures and the property line. The property is located on a corner lot and the rear yard frontage on David Street. The building addition is proposed to be constructed at the rear of the existing dwelling and will have a rear yard setback of 5.4m (17.72 ft.). This represents a 2.1m (6.88 ft.) rear yard setback reduction from what the by-law permits. Given the size, shape, and context of the lot, the reduced rear yard setback resulting from the proposed building addition is not anticipated to significantly limit rear yard amenity

area in a negative manner. Sufficient amenity space will be maintained at the rear and side yard fronting on David Street. Furthermore, staff do not anticipate the proposed building addition to impose onto adjacent properties given that the addition will be one storey in height. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

The third variance is requested to permit a lot coverage of 36.4% 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 dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property. The building addition, combined with the existing dwelling, will result in a lot coverage that is 6.4% greater than what the by-law permits. Cumulatively, the dwelling is anticipated to be appropriately sized relative to the overall size of the property. Sufficient area will be maintained for open space amenity area on the lot. Furthermore, the addition and corresponding lot coverage increase is not anticipated to be an over-development of the property. The 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 minor variance requested is to facilitate the construction of a new one-storey building addition to the existing heritage dwelling. Given the location and context of the site, staff have no concerns with the requested variances to facilitate the addition and are in support of the overall proposal. Heritage staff have also reviewed the proposal and relevant Heritage Permit approvals have been granted.

The proposed side yard and rear yard setbacks are not anticipated to affect the surrounding properties or negatively impact the overall residential function of the dwelling and property. The request for an increased lot coverage is also considered desirable given the context of the property and existing site conditions relating to the Heritage dwelling. No negative impacts are anticipated as a result of the variances. Subject to the recommended conditions, the proposed variances are considered desirable for the appropriate development of the land.

### 4. Minor in Nature

The variances are requested to facilitate the construction of a new one-storey building addition to the existing heritage house. The subject property is a corner lot with slightly angled property lines contributing to the setback reductions. The variances to reduce the building setbacks and permit a lot coverage increase are considered appropriate for the proposal as they are not anticipated to generate adverse impacts to the property or adjacent properties. The building addition will be constructed and designed in a manner that is complementary to the existing heritage character of the house. Subject to the recommended conditions of approval, the requested variances are minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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