



Report Committee of Adjustment

Filing Date: September 01, 2022
Hearing Date: October 04, 2022

File: A-2022-0279

**Owner/
Applicant:** JAGNARINE SOBHARAM & NANDRANIE SOBHARAM

Address: 13 Hedgeson Court

Ward: WARD 7

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0279 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 shall obtain a building permit within 60 days of the decision of approval;
 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 construct a one storey addition in the front yard and an existing open-roofed porch located outside on the building envelope. The subject property and associated envelope is controlled via Schedule 'C' regulations.

Existing Zoning:

The property is zoned 'Residential Townhouse A (4) (R3A(4)-126)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To vary Schedule C, Section 126 of the by-law to permit an existing one storey addition in the front yard whereas the by-law requires that all buildings and structures be constructed in accordance with Schedule C, Section 126 to the by-law;
2. To vary Schedule C, Section 126 of the by-law to permit an existing open-roofed porch located outside the approved building envelope whereas the by-law requires that all buildings and structures be constructed in accordance with Schedule C, Section 126 to the by-law;
3. To permit lot coverage of 45% whereas the by-law permits a maximum lot coverage of 30%;
4. To permit an existing accessory structure (shed) having a side yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Bramalea Secondary Plan (Area 3). The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan.

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

The site specific zone includes a Schedule C that depicts on a plan the building area on the property. Schedule C's are no longer commonly used as they can be overly restrictive in regulating how development or building additions occurs on a site. In this case, the proposed variance to Schedule 'C' would facilitate a building addition which alter the building envelope as shown in Schedule 'C'.

Variance 1 is requested to vary Schedule C, Section 126 of the by-law to permit an existing one storey addition in the front yard whereas the by-law requires that all buildings and structures be constructed in accordance with Schedule C, Section 126 to the by-law. Variance 2 is requested to vary Schedule C, Section 126 of the by-law to permit an existing open-roofed porch located outside the approved building envelope whereas the by-law requires that all buildings and structures be constructed in accordance with Schedule C, Section 126 to the by-law. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property. This type of regulation is typically associated with older areas of the City.

The applicant is requesting a variance to facilitate the existing one storey addition in the front yard and an existing open-roofed porch located at the rear of the dwelling. The existing additions would be subordinate in scale to the dwelling and therefore not considered to be significant change from the limited building envelope shown on the Schedule 'C'. A condition of approval is recommended that the owner obtain a building permit within 60 days of the decision of approval for the existing rear porch. Subject to the conditions of approval, it is staff opinion that the variances maintains the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit lot coverage of 45% 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. A proposed total coverage of 106.01 sq. m (1141.08 sq. ft.) is requested to facilitate the overall development of the proposed dwelling on the 234 sq. m (2518.76 sq. ft.) lot. This represents a 15% increase from what the by-law permits. Due to the siting of the dwelling and overall size of the property, the increase in lot coverage is not anticipated to limit or detract from the provision of outdoor amenity area. It is staff's opinion that the increased lot coverage is minor and not considered to contribute to the over development of the lot. Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an existing accessory structure (shed) having a side yard setback of 0.4m (1.31 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to the nearest property lines. The intent of the by-law in regulating minimum setbacks is to ensure that there is adequate room for drainage and maintenance of structures. Drainage in the rear yard does not appear to have been affected by the shed. Based on the roof design of the existing shed, the runoff of water is directed onto the subject property and should not impact the drainage on adjacent properties. Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

A variance is requested to facilitate the existing one storey addition in the front yard and open-roofed porch located at the rear of the dwelling. The building addition requires a variances to alter the building envelope as shown in Schedule 'C'. The location of the existing additions are not anticipated to negatively impact the property or adjacent properties. Building Division staff recommend that the owner shall obtain a building permit within 60 days of the decision of approval for the existing rear porch. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of land.

Variance 3 is requested to permit an increase to the lot coverage to facilitate the existing additions to the dwelling. Allowing a 15% increase to the lot coverage is not anticipated to further generate adverse on-site or off-site impacts. Sufficient space will be maintained for outdoor amenity area on the property and the increase is not considered to contribute to an overdevelopment of the lot.

The location of the accessory structures will not impede the sightlines of neighbouring properties or detract from the amount of amenity space to serve the dwelling, provided that the structure is limited to the size and location as shown on the sketch attached to the Public Notice, as per the recommended conditions of approval. The variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are proposed to accommodate the existing one storey addition in the front yard and open-roofed porch in the rear of the dwelling. The location of both additions are considered to be

appropriately situated and is therefore not anticipated to generate negative impacts on-site or off-site. Subject to the requested conditions of approval, the variances are considered to be minor in nature.

The variance for added lot coverage represents an increase of 4% and is not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the dwelling. The requested variance for the existing accessory structure in the rear yard is not anticipated to impose any negative impacts on the property or any negative impacts on the property or any of the surrounding properties. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Simran Sandhu", enclosed within a hand-drawn oval scribble.

Simran Sandhu, Assistant Development Planner