



Report Committee of Adjustment

Filing Date: November 08, 2022
Hearing Date: December 06, 2022

File: A-2022-0364

**Owner/
Applicant:** 2840388 ONTARIO INC.

Address: 4 Ravinder Court

Ward: WARD 2

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0364 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 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(1) (R1B(1)-343)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side setback of 1.48m (4.86 ft.) and 1.31m (4.30 ft.) to a second storey whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) to a second storey;
2. To permit a building height of 10.75m (35.27 ft.) whereas the by-law permits a maximum building height of 10.5m (34.45 ft.);

3. To permit lot coverage of 44.5% whereas the by-law permits a maximum lot coverage of 35%;
4. To permit a 0.19 m (0.62 ft.) wide permeable landscaping strip abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscaping strip abutting the side lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Snelgrove-Heartlake Secondary Plan (Area 1). 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

Variance 1 is requested to permit an interior side setback of 1.48m (4.86 ft.) and 1.31m (4.30 ft.) to a second storey whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) to a second storey. The intent of the by-law in regulating the required interior side yard setback to a second storey addition is to ensure that sufficient distance is maintained between dwellings, and that the massing of the second storey does not impose any negative impacts upon the adjacent property.

The existing second storey addition is not anticipated to impose any negative impacts on the surrounding properties and sufficient distance is maintained between the dwellings. In this instance, the second storey will maintain a 1.48m and 1.31m setback which is consistent with the first storey and is considered appropriate as no significant negative impacts will be had on the massing. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a building height of 10.75m (35.27 ft.) whereas the by-law permits a maximum building height of 10.5m (34.45 ft.). The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing, shadowing, and privacy impacts on adjacent properties.

The variance for the increased building height is in relation to the existing second storey addition which is 0.25m greater than what the by-law permits. The overall impact of the increased building height is not anticipated to significantly contribute to shadowing onto the adjacent properties. Furthermore, the siting of the existing building footprint is to remain the same and the added height is not anticipated to generate negative impacts relating to the overall massing of the dwelling from what the by-law already permits, or contribute to an increased loss of privacy. 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 44.5% whereas the by-law permits a maximum lot coverage of 35%. 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. Indicate if it is considered over development.

A proposed total coverage of 466.58 sq. m (5,022.22 sq. ft.) is requested to facilitate the existing dwelling, garage, front porch, first floor area and pool area. This represents a 9.5% increase in lot coverage from what the by-law permits. Sufficient space will be maintained which will ensure access to the property and does not significantly impact the character of the dwelling. Given the size of the property and the extent of the proposed extension of the dwelling, the increase in lot coverage is minor and not considered to contribute to a sense that the lot is over developed. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a 0.19 m (0.62 ft.) wide permeable landscaping strip abutting the side lot line whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscaping strip abutting the side lot line. The intent of the by-law in requiring a minimum permeable landscape strip along the interior lot line is to ensure that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The 0.19m (0.62 ft.) wide permeable landscape strip adjacent to the side lot line is an existing condition of the driveway. In its current state, the reduction of the permeable landscape strip width along the side lot line is not considered to impact drainage in any significant manner. 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

Variance 1 is requested to facilitate the construction of a second storey addition above the existing one storey detached dwelling. The variance are to allow a minor decrease to the side yard setback to the second storey addition. The remaining setback is not anticipated to significantly contribute to an undesirable building massing along the front of the property and is appropriate development of the land. Variance 1 is deemed desirable for the appropriate development of the land.

Variance 2 is requested to permit an increased building height. The increased height as a result from the additional second storey is not anticipated to create any adverse impacts given the siting of the dwelling. Variance 2 is deemed desirable for the appropriate development of the land.

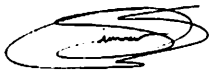
Variance 3 is requested to facilitate the increased lot coverage for the existing dwelling, garage, front porch, first floor area and pool area. The 9.5% increase is not anticipated to result in site conditions contributing to a sense that it is over developed. Despite the lot coverage increase, sufficient amenity space at the front and rear is maintained. The variance is deemed desirable for the appropriate development of the land. Variance 3 is deemed desirable for the appropriate development of the land.

Variance 4 is requested facilitate a reduced permeable landscape strip adjacent to the side lot line. This variance is reflective of the existing site conditions and is not considered to negatively impact drainage on the property. Variance 4 is desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance for the interior side yard setback to the second storey setback is requested to facilitate the existing second storey addition. The proposed reduction to the second storey side yard setback is not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the addition. Variance 2 is requested for the increased building height as a result of the second storey addition is not expected to create adverse impacts on-site or off-site nor alter the character of the area. Variance 3 is requested for an increase in lot coverage by 9.5% than what the by-law permits. This increase is not anticipated to have any negative impacts on the property or the adjacent properties. Therefore, 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 border.

Simran Sandhu, Assistant Development Planner