



## Report Committee of Adjustment

**Filing Date:** January 13, 2023  
**Hearing Date:** February 14, 2023

**File:** A-2022-0016

**Owner/  
Applicant:** SURJIT KAUR MALHI / SHANE EDWARDS

**Address:** 47 Ferndale Crescent

**Ward:** WARD 3

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2023-0016 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 the Owner/Applicant obtain a tree removal permit from the City's Urban Forestry Division;
  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:**

#### Existing Zoning:

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

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a side yard setback of 1.42 metres (4.66 feet) to the second storey whereas the by-law requires a minimum side yard setback of 1.8 metres (5.91 feet) to the second storey;
2. To permit a lot coverage of 36.5% 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 property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The first variance is requested to permit a side yard setback of 1.42m (4.66 ft.) to the second storey whereas the by-law requires a minimum side yard setback of 1.8 metres (5.91 ft.) to the second storey. The intent in regulating the required side yard setback 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.

The dwelling's second storey southern wall is proposed to be constructed requiring a 0.38m (1.17 ft.) setback reduction from what the by-law permits. The wall at the ground floor level maintains the minimum 1.2 metre (3.94 ft.) interior side yard setback requirements with a proposed 1.42m (4.66 ft.) setback. The variance is only required for the second storey portion of the southern wall and is requested to facilitate the proposed design of the dwelling. The reduction is not anticipated to cause significant negative impacts relating to the visual massing of the dwelling. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit a lot coverage of 36.5% 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 186.49 sq.m. (2007.36 sq. ft.) is requested to facilitate the overall development of the proposed dwelling on the 510.97 sq.m. (5500.03 sq. ft) lot. This represents a 6.5% 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. While an interior side yard setback reduction is requested, sufficient space will be maintained which ensures access to all portions of the property. Further, it is staff's opinion that the increased lot coverage is minor and not considered to contribute to the overdevelopment of the lot. 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 application is requested to facilitate the construction of a second storey addition above a proposed garage. The first variance is to permit a minor decrease to the side yard setback to the second storey addition. The location of the wall maintains the first storey setback requirements and the variance only applies to the second storey portion. The remaining setback is not anticipated to

significantly contribute to an undesirable building massing. Subject to the recommended conditions of approval, the variance is deemed desirable for the appropriate development of the land.

The second variance is to permit an increase to the lot coverage to facilitate the proposed addition. Allowing a 6.5% increase to the lot coverage is not anticipated to generate adverse on-site or off-site impacts. Sufficient space will be maintained for outdoor amenity area on the property and is not considered to contribute to an overdevelopment of the lot. The variance is deemed desirable for the appropriate development of the land.

#### 4. Minor in Nature

Variance 1 relates to the building setback to facilitate the new second storey addition. The proposed reduction to the second storey side yard setback is not considered a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the addition. Variance 2 for added lot coverage represents an increase of 6.5% and is not considered to contribute to an overdevelopment of the property. Subject to the recommended conditions of approval, the variances are considered to be minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician

#### Appendix 1 – Site Visit

