



Report Committee of Adjustment

Filing Date: March 31, 2023

Hearing Date: May 9, 2023

File: A-2023-0089

**Owner/
Applicant:** GAURAV BATRA AND DIVYA BATRA

Address: 5 Kingsmere Crescent

Ward: WARD 5

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0089 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. The below grade entrance shall not be used to access an unregistered second unit;
3. That the owner submit a Custom Home application and finalize approval, post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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 1.52m (5.0 ft.) to a proposed two storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey; and
2. To permit a lot coverage of 34% 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 Flowerstown Secondary Plan (Area 6). The dwelling is also located within a Mature Neighbourhood. Official Plan section 4.2.1.20 outlines that development should be compatible with the general size, type and style of dwellings in the neighbourhood. Massing, scale and height of dwelling or building additions should be consistent with the host neighbourhood. The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are considered to maintain 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 a reduced interior side yard setback of 1.52 metres to a second storey addition whereas the by-law requires an interior side yard setback of 1.8 metres. 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 upon the adjacent property. Variance 1 proposes a very minor 0.28 metre (0.91 feet) reduction to the interior side yard setback to a second storey addition. The second storey addition is located in the rear of the home, effectively directing the massing of the second storey away from the streetscape and positioning it within the rear yard of the property while maintaining the applicable rear yard setbacks. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 seeks to permit a lot coverage of 34% whereas the by-law permits a maximum coverage of 30%. The intent of the by-law in regulating the maximum permitted lot coverage for a residential dwelling is to ensure that there is adequate outdoor amenity space on the lot and that the property is not dominated by structures. The proposed addition maintains adequate rear yard setbacks as required by the by-law and Staff are of the opinion that sufficient space is provided for amenity uses. Therefore subject to the conditions of approval, Variance 2 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 permit an interior side yard setback to the second storey that is less than what is required by the Zoning By-law. Despite the reduction to the second storey interior setback requirements of the Zoning By-law, the reduced second storey setbacks will allow for an addition to the home that maintains the height provisions and rear yard setback requirements as per the implementing zoning by-law. A condition of approval has been included requiring the applicant to submit a Custom Home application and finalize approvals with the City of Brampton. This will allow City Staff to review the application and proposed development to ensure the proposed development does not adversely impact the subject property or abutting properties with respect to drainage, grading and massing. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

Variance 2 is requested to increase the maximum lot coverage of the property to 34% whereas 30% lot coverage is currently permitted. The total site area is 537.69 square metres (5787.64 square feet). The proposed lot coverage for the new property will be 182.95 square metres (1,969 square feet), totaling a lot coverage percentage of 34%. Given the size of the property and the siting of the dwelling, the increase in lot coverage is considered minor and does not contribute to a sense of overdevelopment or loss of neighbourhood character. As the massing is shifted to the rear yard of the house, suitable rear yard setbacks remain intact. Despite the increased lot coverage, sufficient amenity space is maintained. Variance 2 is deemed desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances seek to reduce the side yard setback to the second floor addition on the western portion of the property and increase the coverage of the property on the lot, through a new addition. The subject property will undergo additional review through the City of Brampton Custom Home application process to ensure the site can be adequately serviced, mitigate any drainage or grading impacts and ensure a design that is in keeping with the surrounding neighbourhood character. The variance to increase the lot coverage by 4% is not anticipated to have negative impacts on adjacent properties and is not considered overdevelopment for the property as adequate amenity area is maintained. The addition to the house will be located to the rear of the house. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planning Technician

Appendix A:

