



## Report Committee of Adjustment

**Filing Date:** April 5, 2023

**Hearing Date:** May 9, 2023

**File:** A-2023-0090

**Owner/  
Applicant:** SATWINDER BAINS

**Address:** 9 Eastern Avenue

**Ward:** WARD 3

**Contact:** Ellis Lewis, Planning Technician

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### Recommendations:

That application A-2023-0090 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 finalize site plan approval under City File CH-2022-0036, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
  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 Single Detached B (R1B)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a lot coverage of 32.2% whereas the by-law permits a maximum lot coverage of 30%; and
2. To permit an interior side yard of 1.22m (4.0 ft.) to the second storey whereas the by-law requires 1.2m (3.94 ft.) to the first storey, or part thereof, plus 0.6m (1.97 ft.) for each additional storey, or part thereof, where the lot width is less than, or equal to 16m (52.49 ft.).

### **Current Situation:**

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

The property is designated as 'Central Area' in the Official Plan and 'Medium Density Residential' in the Queen Street Corridor Secondary Plan (Area 36). 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 seeks to permit a lot coverage of 32.2% 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 property. With the additional lot coverage, setbacks in the rear yard are maintained and the wood deck will function as a complimentary amenity space. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a reduced interior side yard setback of 1.22 metres to the second storey whereas the by-law requires 1.2 metres to the first storey plus 0.6 metres for each additional storey, or part thereof, where the lot width is less than, or equal to 16 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. Despite reduced interior setbacks to the second story, the proposed residential redevelopment will maintain the height requirements as prescribed by the R1B zone, helping mitigate any massing or shadowing impacts on neighboring properties. 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 increase the maximum lot coverage of the property to 32.2% whereas 30% lot coverage is currently permitted. The total site area is 482.96 square metres (5198.53 square feet). The proposed lot coverage for the new property will be 155.52 square metres (1,674.00 square feet), totaling a lot coverage percentage of 32.2%. Given the size of the property, the increase in lot coverage is minor and not considered to contribute to a sense of overdevelopment. There is still plenty of recreational space to the rear of the home. Variance 1 is deemed desirable for the appropriate development of the land.

Variance 2 is requested to permit an interior side yard setback to a second storey addition which is less than what is required by the Zoning By-law. Despite the reduction to the interior setback requirements of the Zoning By-law, Staff are satisfied with the current proposal as the reduction is seen as minor and believe that it will not cause massing issues or be viewed as invasive of abutting properties as the subject property benefits from extensive landscaping on both interior and rear yard lot lines. The rear of the home abuts a commercial development, further reducing privacy impacts. Subject to the recommended conditions of approval, Variance 2 is appropriate for the development of the land.

### 4. Minor in Nature

The requested variances seek increase the coverage of the property on the lot and to decrease the side yard setback to a second storey. A Custom Home application (CH-2022-0036) has been submitted by the applicant and currently under review with City staff, whom will review the proposed development from the context of Urban Design and Engineering (servicing and grading) this will ensure that the final development concept maintains the character of the surrounding area and is minor in nature.

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:**

