



Report Committee of Adjustment

Filing Date: April 5, 2023

Hearing Date: May 9, 2023

File: A-2023-0091

**Owner/
Applicant:** JASWINDER BAINS & NARINDER BAINS

Address: 10 Eastern Avenue

Ward: WARD 3

Contact: Ellis Lewis, Planning Technician

Recommendations:

That application A-2023-0091 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-2022-0034, 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 32.76% whereas the by-law permits a maximum lot coverage of 30%;
and
2. To permit a building height of 10.0m (32.80 ft.) whereas the by-law permits a maximum building height of 8.5m (27.89 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 32.76% 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 the size of the dwelling is appropriate relative to the size of the property and that it does not detract from the provision of outdoor amenity area on the property. Setbacks are maintained to the rear yard lot line, the submitted concept plan indicates a landscape patio will be constructed in the rear yard providing a passive amenity area. 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 building height of 10.0 metres whereas the by-law permits a maximum building height of 8.5 metres. 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 or privacy impacts on adjacent properties. The proposed concept plan indicates that all applicable side yard setbacks will be maintained, mitigating adverse impacts with respect to massing and shadowing on abutting 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 32.76% whereas 30% lot coverage is currently permitted. The total site area is 483.10 square metres (5200.04 square feet). The proposed lot coverage for the new property will be 156.29 square metres (1,682.29 square feet), totaling a lot coverage percentage of 32.76%. Given the size of the property, the increase in lot coverage is minor and not considered to contribute to a sense of overdevelopment or loss of

neighbourhood character. Despite the increased lot coverage, sufficient amenity space remains. Variance 1 is deemed desirable for the appropriate development of the land.

Variance 2 is requested to permit an increased building height of 10.0 metres, whereas the by-law permits a maximum building height of 10 metres. The increase of 1.5 metres (4.92 ft.) to the main dwelling height is not anticipated to significantly contribute to shadowing onto adjacent properties. There is currently a single storey home on the lot. A Custom Home application (File # CH-2022-0034) has been submitted for the newly proposed residential development on the subject parcel. City Staff will have the opportunity to review the proposed development to ensure the proposed development is appropriate within the neighbourhood context. Urban Design Staff will review the proposed development to ensure that the development does not negatively impact abutting properties with respect to massing or shadowing. City Engineering Staff will also review grading and servicing plans for the proposed development to ensure the site is serviced with municipal services and graded to not adversely impact abutting properties with respect to drainage. Subject to the recommended conditions of approval, Variance 2 is considered desirable for the appropriate development of the land.

4. Minor in Nature

The variance to increase the permitted lot coverage by 2.76% is not anticipated to result in negative site conditions on the subject parcel as it is not considered overdevelopment. The proposed concept plan indicates sufficient amenity space is provided within the rear yard of the subject property and that the parcel will not be dominated by structures. The rear of the subject property abuts 7 Hillcrest Avenue, which received minor variance approval (A19-010) to increase building height and increase lot coverage percentage. The proposed development is will be of a similar built form as the neighbour abutting to the rear, thus maintaining the general character of the area. Moreover, there is an ongoing Custom home application (File # CH-2022-0034) under review with City Staff. Through staff's review of the application, they will ensure the proposed development maintains the character of the area and remains minor in nature.

The proposed home will be adequately set back from neighbouring properties. 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:

