



Report Committee of Adjustment

Filing Date: May 12, 2023
Hearing Date: June 20, 2023

File: A-2023-0148

**Owner/
Applicant:** JASBIR KAUR, ARSHDEEP PANNU AND NAVNEET PANNU

Address: 6 Brookdale Crescent

Ward: WARD 7

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0148 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 applicant obtain a Custom House Architectural Control approval prior to the submission of a building permit application;
 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:

The applicant is proposing to demolish the existing one storey detached dwelling and accessory structure in the rear yard to construct a new two storey dwelling on the property. The Minor Variance application is requested to facilitate the proposed development by seeking relief from the Zoning By-law to allow an increased building height, a reduced rear yard setback, and an increased lot coverage.

Existing Zoning:

The property is zoned 'Residential Semi-Detached A(1) (R2A(1))', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a building height of 8.41m (27.60 ft.) whereas the by-law permits a maximum building height of 7.6 m (24.93 ft.);
2. To permit a rear yard setback of 8m (26.25 ft.) whereas the by-law requires a minimum rear yard setback of 8.38m (27.50 ft.);
3. To permit a lot coverage of 34.94%, 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 subject property is designated 'Residential' in the Official Plan and 'Low Density 1 Residential' in the Bramalea Secondary Plan (Area 3). The requested variances are to facilitate the construction of a new two storey dwelling on the lot and are therefore not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies. The 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

The subject property is currently zoned 'Residential Semi-Detached A(1)' (R2A(1)), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a building height of 8.41 m (27.60 ft.) whereas the by-law permits a maximum building height of 7.6 m (24.93 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.

There is currently an existing single detached dwelling and shed located on the subject property which is proposed to be demolished to facilitate the development of a new dwelling. The proposal is requested to permit an increased building height of 0.81m (2.66 ft.) from what the by-law permits. In this case, the building height is calculated from the established grade to the mean height level between eaves and ridges for a peaked roof. The main façade of the proposed two storey dwelling will have an approximate height of 6.4m (21 ft.) to the eavestrough and a remaining 2.01m (6.59 ft.) dedicated to the height of the roof. Therefore, the variance is required for the increased height as a result of the roof of the building. The increase in building height is not anticipated to create any adverse impacts related to shadowing, privacy or massing as maintains interior side yard setbacks to the neighbouring lots. According to the proposed site plan, the building will maintain sufficient side yard setbacks of 2.5m (8.2 ft.), ensuring appropriate separation between the walls of the dwelling and side property lines. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a rear yard setback of 8m (26.25 ft.) whereas the by-law requires a minimum rear yard setback of 8.38m (27.50 ft.). The intent of the by-law in regulating the required rear yard setback is to ensure that sufficient space is provided for the rear yard amenity area for the property.

The applicant is requesting the variance to facilitate the construction of a proposed two storey dwelling. The location and configuration of the proposed dwelling relative to the lot size and surrounding area ensure that the 0.38m (1.25 ft.) reduction in the rear yard setback is not anticipated to significantly limit the rear yard amenity area in a negative manner. Sufficient amenity space will be maintained at the rear yard. Furthermore, the variance is in part due to the proposed building footprint relative to the irregular shape of the lot, resembling a parallelogram. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a lot coverage of 34.94%, whereas the by-law permits a maximum lot coverage of 30%. The general 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 open space. The lot coverage refers to the percentage of the land or lot area covered by buildings.

A proposed total coverage of 218.20 sq. m (2348.69 sq. ft) is requested to facilitate the overall development of the proposed dwelling on the 624.49 sq. m (6721.95 sq. ft.) lot. This represents a 4.94% increase from what the by-law permits. Despite this increase in lot coverage, sufficient area will be maintained for open space and landscaping on the lot. Given the lot size and proposed building envelope, the increase in lot coverage is not anticipated to limit or detract from the provision of outdoor amenity space. While a minor reduction is requested to the rear yard setback, the building will maintain adequate separation from adjacent properties with a proposed 2.5m (8.2 ft.) side yard setback. Sufficient space will be maintained to ensure access to all areas of the property. The increase in lot coverage is not anticipated to contribute to an over development of the lot. Variance 3 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 increased building height for a proposed new dwelling. While building height requirements of the Zoning by-law are not maintained, upon review of the submitted concept plan staff are of the opinion that the subject property lot size is able to accommodate the proposed dwelling height of 8.41 m (27.59 ft.) without generating significant massing impacts on neighbouring properties. The increased building height is not anticipated to impact the character of the area which is defined by a mature low density housing form as the R2A(1) Zone permits two storey dwellings. Moreover, the proposed development will undergo the City of Brampton Custom Home Architectural Control Application, where City staff will review the design of the proposed development to ensure it conforms to the surrounding area and existing residential homes. Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to accommodate a minor decrease to the rear yard setback for a portion of the southwest wall. A 0.38m (1.25 ft.) reduction to the rear yard setback is required which is not

anticipated to detract from the provision of outdoor amenity space due to the lot size and configuration. This reduction is in part required due to the building footprint relative to the diagonal rear lot line and is only applicable to the northwestern corner of the dwelling. Furthermore, the reduced rear yard setback is not anticipated to negatively impact the overall residential use of the property or adjacent properties. Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit an increase to the lot coverage to facilitate the proposed dwelling as it relates to the percentage of the lot area covered by the building. The variance is requested to permit a 4.94% increase to the total lot coverage and is needed to permit the proposed dwelling. The increase in lot coverage is not anticipated to impact the scale of the dwelling in a significant way or contribute to the overdevelopment of the lot. The configuration of the proposed dwelling is considered to be appropriate and compatible with the subject property and neighbouring homes. Furthermore, sufficient space will be maintained for outdoor amenity area on the property. Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to permit increases to the proposed building height, lot coverage, and reduced rear yard setback are requested to facilitate the construction of a new two storey dwelling. The increased height of 0.81m (2.66 ft.) is not anticipated to significantly impact shadowing or contribute to a massing that imposes onto adjacent properties. The proposed rear 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 building. The requested height is a minor increase from what the by-law permits. The variance for added lot coverage represents an increase of 4.94% and is not considered to contribute to the over development of the property. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner