



## Report Committee of Adjustment

**Filing Date:** August 30, 2023

**Hearing Date:** October 3, 2023

**File:** A-2023-0272

**Owner/  
Applicant:** Stacyann Brooks  
Permits Aces (Arpana Saini)

**Address:** 34 Herkley Drive

**Ward:** 1

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2023-0272 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the applicant contact City's Forestry Department to review any existing trees effected by the proposed work 'prior to' the construction of the proposed addition;
  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 'Single Residential Detached B (R1B)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 5.52 metres to a proposed addition whereas the by-law requires a minimum rear yard setback of 7.62m (25 ft.)

2. To permit a coverage of 34.64 percent, whereas the bylaw permits a maximum coverage of 30 percent.

**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 Residential' in the Flowertown Secondary Plan (Area 6). The variances are requested to facilitate the construction of an addition to the existing dwelling. The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains the general intent and purpose of the Official Plan.

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

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

Variance 1 is requested to permit a rear yard setback of 5.52 metres to a proposed addition whereas the by-law requires a minimum rear yard setback of 7.62m (25 ft.). The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the rear yard amenity area and that sufficient space is maintained between structures and the property line. The variance is required to facilitate the location of a proposed addition located towards the rear of the dwelling. The proposed rear yard setback of 5.52m is 2.1m less than the required 7.62m. Given the size, shape and context of the lot, the reduced rear yard setback resulting from the proposed building addition is not anticipated to significantly limit the rear yard amenity area in a negative manner. The scale of the addition is considered appropriate relative to the size of the property, furthermore, staff do not anticipate significant shadowing or massing impacts to be generated as a result of the addition. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a lot coverage of 34.64% 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 lot coverage of 139.18 sq.m. is requested to facilitate the overall development of the proposed addition on the 464.51 sq.m lot. The existing site conditions maintain an 18.56% lot coverage. The inclusion of the proposed extension addition represents an increase of 16.08% to the existing conditions, and is 4.64% greater than what the by-law permits. Cumulatively, the dwelling is anticipated to be appropriately sized relative to the overall size of the property. Sufficient area will be maintained for open space amenity area on the lot. Furthermore, the addition and corresponding lot coverage increase is not anticipated to be an over-development of the property. 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 is requested to facilitate the construction of a proposed addition to the existing residential dwelling. Given the location and context of the site, staff have no concerns with the requested variances to facilitate the addition and are in support of the proposal. The proposed rear yard setback is not anticipated to affect the surrounding properties or negatively impact the overall residential function of the dwelling and the property.

The second variance is requested to permit a slight increase to the lot coverage to facilitate the addition on the dwelling. Allowing a 4.64% increase to the lot coverage is not anticipated to further generate adverse on-site or off-site impacts. Sufficient space will be maintained for outdoor amenity area on the property and the increase is not considered to contribute to an overdevelopment of the lot.

Subject to the recommended conditions, the proposed variances 1 and 2 are desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested pertaining to the proposed rear yard setback and lot coverage increase are considered appropriate for the proposal as they are not anticipated to generate adverse impacts to the property or adjacent property. The proposed rear yard setback is not considered to be a significant deviation from the minimum by-law requirements and will facilitate the overall design of the building. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician

## Appendix 1 – Site Visit Photos

