

Filing Date: November 2, 2020

Hearing Date: December 1, 2020

File: A-2020-0125

**Owner/
Applicant:** WILLIAM AND LORNA WATTERSON

Address: 17 Frederick Street

Ward: 3

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0125 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 Public Notice;
2. 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 0.65m (2.1 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.9 ft.);
2. To permit a rear yard setback of 4.64m (15.25 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.);

3. To permit a roof above a rear porch to encroach into the required rear yard setback of 2.94m (9.65 ft.) resulting in a setback of 4.56m (14.96 ft.) to the roof whereas the by-law permits a maximum roof encroachment of 2.0m (6.56 ft.) into the required rear yard setback resulting in a required setback of 5.5m (18.04 ft.) to a roofed porch.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated "Central Area" in the Official Plan and "Low Density Residential" in the Downtown Brampton Secondary Plan (Area 7). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

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

Variance 1 is to permit an interior side yard setback of 0.65m (2.1 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.9 ft.). The intent of the by-law in requiring a minimum interior side yard setback to a second storey addition is to ensure that the massing of the second storey does not negatively impact adjacent properties and that sufficient space is provided for roof drainage. In the case of the subject property, the proposed second storey addition will be of a consistent setback with the existing first storey. Further, the proposed second storey will be further away from the adjacent property than the existing second (half) storey on the front part of the dwelling and the reduced setback presents no concerns with regard to roof drainage. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit a rear yard setback of 4.64m (15.25 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.). This variance relates to the proposed second storey addition and a proposed improved porch for the dwelling. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient rear yard amenity area is provided for the residential dwelling. The subject property is a corner lot which creates a unique orientation of outdoor amenity space for the dwelling. In the case of this property, outdoor amenity space is provided at the front of the dwelling and it is not anticipated that this reduced rear yard setback will negatively impact the provision of outdoor amenity space. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit a roof above a rear porch to encroach into the required rear yard

setback of 2.94m (9.65 ft.) resulting in a setback of 4.56m (14.96 ft.) to the roof whereas the by-law permits a maximum roof encroachment of 2.0m (6.56 ft.) into the required rear yard setback resulting in a required setback of 5.5m (18.04 ft.) to a roofed porch, relating to the proposed improved porch on the dwelling. The intent of the by-law in regulating the maximum porch encroachment in the rear yard is to ensure that the porch does not dominate the rear yard amenity space. As noted, the subject property is a corner property that has a unique orientation of amenity space and access. The proposed increased roof encroachment is not anticipated to dominate the rear yard or detract from amenity space. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit a reduced interior side yard setback to a proposed second storey addition. The requested setback is reflective of the existing setback of the main floor of the dwelling and the design of the second storey is not anticipated to have negative massing impacts on the adjacent properties. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variances 2 and 3 relate to proposed improvements at the rear of the dwelling and their impacts on the rear yard.

Variance 2 is requested to permit a reduced rear yard setback that will be consistent with the existing setback for main floor of the dwelling and the existing porch. Given the property's orientation as a corner lot, the amenity area is provided not in the rear yard but in the front and side yards for this dwelling, so it is not anticipated that the reduction in setback will negatively impact the provision of outdoor amenity space. Subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is requested to permit an expansion and improvement to the existing porch for the dwelling, including a new roof and updated design. Given that this entrance functions as the effective front door for the property and not a rear yard door it is considered to be appropriate for the roof to have an increased encroachment from a functional and aesthetic point of view. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is requested to permit a reduced interior side yard setback to a second storey addition. The proposed reduced setback is not anticipated to negatively impact the ability of the property to contain its own roof drainage, and the design of the proposed second storey does not present concerns with regard to privacy for adjacent properties. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 2 is requested to permit a reduced rear yard setback to the second storey addition and the expanded/improved porch. The orientation of the lot as a corner property allows outdoor amenity space to be provided in other areas than the rear yard, and so the reduced rear yard setback is not anticipated to negatively impact outdoor amenity area for the property. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Variance 3 relates to the expanded/improved porch that effectively functions as the main entrance for the dwelling. Given its function and orientation on the corner lot, it is considered to be appropriate for an increased encroachment of this nature. The increased encroachment presents no concerns with regard to drainage. Subject to the recommended conditions of approval, Variance 3 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development