

Filing Date: 26-Feb-2021

Hearing Date: 30-Mar-2021

File: A-2021-0036

**Owner/
Applicant:** Andrea Nowak/Walter Borzecki

Address: 35 CAMPBELL DR, BRAMPTON, ON L6X2H8

Ward: 5

Contact: Kelly Henderson, Development Planner

Recommendations:

That application A-2021-0036 is supportable, subject to the following conditions being imposed:

1. That that extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the applicant remove the two existing storage tents within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Director of Development Services;
 3. That the owner finalize site plan approval under City File SP19-017.000 to the satisfaction of the Director of Development Services;
 4. That the applicant obtain a building permit for the existing accessory structure within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and,
 5. 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 (R1B)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 1.26m (4.13 ft.) to a proposed second storey addition whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey.

Current Situation:

1. **Conforms to the Intent of the Official Plan**

The subject property is designated 'Residential' within the Official Plan and 'Low Density Residential' in the Brampton Flowerstown Secondary Plan (Area 6). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

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

The property is zoned 'Residential (R1B)', according to By-law 270-2004, as amended, which permits single detached dwellings, group home type 1, an auxiliary group home, a place of worship and accessory uses. The requested variance is intended to facilitate a proposed addition to the second storey of the existing dwelling.

The proposed variance is to permit an easterly side yard setback of 1.26m (4.13 ft.) to a proposed second storey addition whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) to the second storey. 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. In the case of the subject property, there is sufficient spatial separation and the proposed addition matches the existing first floor setback. Furthermore, the proposal is subject to a site plan application (SP19-017.000), through which staff will ensure appropriate massing.

As a condition of approval it is recommended that the accessory structures (storage tents) be removed from the subject property. These accessory structures are required to be removed as the applicant would be over the total number of permitted accessory structures and total gross floor area.

Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

3. **Desirable for the Appropriate Development of the Land**

The proposed variance is requested to permit a reduced side yard setback to a proposed second storey

addition. The requested setback is reflective of the setback of the main floor of the dwelling and is not anticipated to create negative impacts on the side yard space. Furthermore, the addition is subject to a Site Plan Application through which the design will be reviewed to ensure any potential massing impacts are mitigated. A condition of approval is recommended that the owner finalize their existing site plan application to the satisfaction of the Director of Development Services.

Subject to the recommended conditions of approval, the proposed variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The subject variance is intended to facilitate a second storey addition that will have a setback consistent with the first storey of the dwelling and represents a reduction in setback of 0.54 m (1.7 ft.). Subject to the recommended conditions of approval, the proposed variance is considered to be minor in nature.

Respectfully Submitted,

K Henderson

Kelly Henderson, Development Planner