



Report Committee of Adjustment

Filing Date: June 30, 2021
Hearing Date: August 3, 2021

File: A-2021-0144

**Owner/
Applicant:** MICHAEL MURDOCK

Address: 32 Banner Road

Ward: WARD 5

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0144 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 variance 2 for an interior side yard setback of 0.0m to the existing one storey addition in the rear yard be refused;
3. That roof drainage from the accessory structure (shed) shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
4. The owner shall obtain a building permit for the rear dwelling addition within 30 days of Site plan approval or within an extended period of time as approved by the Chief Building Official;
5. That the rear dwelling addition remains in a one storey configuration;
6. That a complete Site Plan application for Mature Neighbourhood shall be submitted within 60 days of the Committee's decision and the Site Plan shall be approved and implemented within 180 days or within an extended period of time as approved by the Director of Development Services; and
7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The applicant is proposing to construct an addition to an existing residential dwelling, to be located above the attached garage. Upon site inspection, an existing enclosed rear yard addition and accessory structure were identified and require variances.

Existing Zoning:

The property is zoned 'Residential Single Detached D (R1D-588)', 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 1.25m (4.10 ft.) to the proposed second storey addition above the exiting garage whereas the by-law requires a minimum interior side yard setback of 1.8m (5.91 ft.) to the second storey;
2. To permit an interior side yard setback of 0.0m to the existing one storey addition in the rear yard whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
3. To permit a rear yard setback of 6.46m (21.20 ft.) to the existing one storey addition in the rear yard whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.) or 25% of the lot depth, whichever is greater;
4. To permit lot coverage of 36.35% whereas the by-law permits a maximum lot coverage of 30%;
5. To permit an existing accessory structure (shed) having a setback of 0.30m (0.98 ft.) to the rear and interior side lot lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line.

Current Situation:**1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated "Residential" in the Official Plan and "Medium Density Residential" in the Brampton Flowertown Secondary Plan (Area 6).

The requested variance to allow a reduction in the interior side yard setback to a second storey has no impact with regard to the policies of the Official Plan. The increase in lot coverage satisfies the Mature Neighbourhoods Official Plan Amendment policies, which have been put in place to protect established neighbourhoods from incompatible new or replacement dwellings or building additions while still allowing for change and reinvestment that is sensitive to the existing character of the neighbourhood. In this case, the addition proposed is compatible in scale with adjacent properties

and will not create any adverse impacts. The requested variances maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit an interior side yard setback of 1.25m (4.10 ft.) to the proposed second storey addition above the existing garage whereas the by-law requires a minimum interior 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.

The variance represents a 0.55m (1.80 ft.) reduction from what the by-law permits. In the case of the subject property, there is sufficient spatial separation between adjacent properties and the proposed addition. The proposed design on the two storey addition is considered to be generally consistent with the surrounding residential built form. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variances 2 and 3 relate to an existing 15.59 sq. m (167.85 sq. ft.) rear addition to the main dwelling. Variance 2 is requested to permit an interior side yard setback of 0.0m to the existing one storey addition in the rear yard whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in requiring minimum setbacks for buildings is to ensure sufficient space is provided for drainage and that sufficient space is maintained between dwellings to avoid impacts on adjacent properties and allow for the maintenance of the property.

Variance 2 relates to an existing interior side yard setback of 0.0m for the rear addition that was constructed without a permit. The location of the rear addition does not leave sufficient space for drainage and the addition does not provide sufficient space between dwellings. Furthermore, the amount of glazed openings for the rear wall of the addition will be restricted based on the limiting distance, and is required to conform to Division B, 9.10.15.4. of the Ontario Building Code. Staff do not support the requested variance as it is not considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a rear yard setback of 6.46m (21.20 ft.) to the existing one storey addition in the rear yard whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.) or 25% of the lot depth, whichever is greater. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient outdoor amenity space is provided on the property for the main dwelling.

In the case of the subject property, the requested minimum rear yard setback relates only to a portion of the rear yard impacted by the rear addition. The existing one storey 15.59 sq. m (167.85 sq. ft.) addition is located at the rear of the dwelling and the reduced setback is not anticipated to negatively impact the provision of outdoor amenity space on the property. A condition of approval is recommended that the owner shall obtain a building permit for the rear dwelling addition within 60 days of the decision of approval. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit lot coverage of 36.35% 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.

The variance is required for a lot coverage increase of approximately 6.35%. The existing garage is proposed to be widened by 1.52m (5.0 ft.) on the northeast side of the building. The size of the total building footprint is proposed to be increased by approximately 7.43 sq.m (80 sq. ft.) due to the addition. The majority of the proposed addition will be situated at the second storey. Upon staffs' site inspection, it was revealed that an existing 15.59 sq. m (167.85 sq. ft.) enclosed rear yard addition had been constructed. This existing rear yard addition to the building contributes to the overall lot coverage. The increase in lot coverage is not anticipated to detract from the provision of outdoor amenity area on the property. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit an existing accessory structure (shed) having a setback of 0.30m (0.98 ft.) to the rear and interior side lot lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line. The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage.

The existing setback reduction is not expected to impact drainage for the subject property or adjacent properties. The shed is small and is not considered to pose negative impacts. A condition of approval is recommended that roof drainage from the accessory structure shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted. Subject to conditions of approval, variance 5 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed variances are requested to permit a reduced side yard setback to a proposed second storey addition to the front of the house that also results in an increase to the maximum permitted lot coverage. There are similar examples of second storeys above garages on Banner Road. The design of the addition contemplates a second storey setback to the front facing façade and limits negative visual and massing impacts.

A condition of approval is recommended that a complete Site Plan application for Mature Neighbourhood shall be submitted within 60 days of the Committee's decision and the Site Plan shall be approved and implemented within 180 days or within an extended period of time as approved by the Director of Development Services. In order to ensure that the rear addition is not expanded, a condition of approval is recommended that the rear dwelling addition remains in its current one storey configuration. Subject to the recommended conditions of approval, the variances 1, 3, 4, and 5 are considered to be desirable for the appropriate development of the land.

The existing interior side yard setback of 0.0m for the rear addition that was constructed without a permit does not provide sufficient space for drainage or provide sufficient space between dwellings. Variance 2 is not considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances relate to a proposed second storey addition above the attached garage. Further variances are requested to permit the location of a rear building addition that was constructed without a permit and a shed. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the notice of decision to ensure that the requests are consistent with what is presented in this application. Variances 1, 3, 4, and 5 are considered minor in nature.

Variance 2 relates to the existing 0.0m interior side yard setback resulting from the rear dwelling addition built without a permit. Staff do not support the requested variance as negative impacts to drainage are anticipated and the setback does not provide enough space between dwellings. The requested variances is not considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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