

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-11/21
Location: 137 Brant Avenue
Hearing Date: January 14, 2021
Owner: Nick and Sandra Papadedes
Agent: N/A
Official Plan Designation: Low Density Residential
Zoning: Residential Single Detached (R.1C)

Request: The applicant is seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.1 metres for the existing building addition to the existing dwelling.

By-Law Requirements: The By-Law requires a minimum side yard setback of 1.2 metres for a single detached dwelling of 1 to 2 storeys in an R.1C zone.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That the side yard setback of 0.1 metres apply only to the existing building addition in general accordance with the public notice sketch.

Building Services

2. That prior to the issuance of a building permit for the building, the owner provides written documentation to the satisfaction of the Chief Building Official or designate, including drawings, that no encroachment exists or provides a copy of an agreement between the two owners that has been executed recognizing the encroachment.
 3. That prior to the issuance of a building permit, the owner confirms and provides written confirmation that an access agreement between 139 Brant Street and 137 Brant Street for the purposes of maintenance of the building at 137 Brant Street has been registered on title.
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Comments

Planning Services

The subject property is designated "Low Density Residential" in the City's Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City and permits a range of housing types including single detached residential dwellings. The requested variance does not conflict with the general intent and purpose of the Official Plan.

The subject property is zoned "Residential Single Detached" (R.1C) according to Zoning By-law (1995)-14864, as amended, which permits single detached dwellings. The applicant is requesting a variance to the Zoning By-law to permit a 0.1 metre side yard setback to an existing building addition (enclosed stairwell) on the left side of the existing single detached dwelling.

The general intent and purpose of maintaining side yard setbacks is to ensure that there is an appropriate separation between the building and property lot line, to accommodate appropriate side/rear yard access, and for drainage if required. Based on the plan submitted with the application, there is adequate room on the other side of the dwelling for rear yard access and Engineering staff have confirmed they do not have concerns with the application. The building addition (enclosed stairwell) is the only portion of the existing dwelling built at 0.1 metres and staff are recommending a condition that the variance apply only to this portion. The requested variance is considered to meet the general intent and purpose of the Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature.

Staff recommend approval of the application subject to the condition noted above.

Engineering Services

Engineering staff have no concerns with the requested left side yard setback variance for the existing enclosed stairwell situated 0.1 metres from the left lot line.

We agree with recommendations made by the Planning and Building staff.

Building Services

This property is located in the Residential Single Detached (R.1C) Zone. The applicant is proposing to maintain the existing building addition (enclosed stairwell) on the left side of the existing single detached dwelling. The applicant is seeking relief from the By-Law requirements to permit a minimum left side yard setback of 0.1 metres for the existing building addition to the existing dwelling. A variance from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, is being requested.

Building Services has concerns with respect to the minimum left side yard due to potential encroachment and maintenance issues; however, does not object to this application providing the above noted conditions are imposed.

A building permit is required. Requirements under the Ontario Building Code will be reviewed during the building permit application process. Note: Windows may be restricted in walls located closer than 1.2 metres to the property lines and the walls may require a fire rating on the inside face. Walls located closer than 0.6 metres may also require an exterior grade fire rated material (drywall) installed on the exterior face of the wall behind any combustible cladding.

Comments from the Public

None

Contact Information

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