


TITLE: <p style="text-align: center;"> VARIANCE 72 LAKEVIEW DRIVE OWNER: BEVERLEY PINDER APPLICANT: SUNSPACE BY ELITE SUNROOMS </p>										
PRESENTER: Shengxu Li, MCP		Page 1 of 3								
DEPARTMENT: Planning, Property & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings									
CLEARANCES: Chief Planner	MEETING DATE: January 17, 2018									
APPROVALS: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><i>Original signed by S. Li</i></td> <td style="width: 15%; text-align: center;">January 2, 2018</td> <td style="width: 33%;"><i>Original signed by R. Nickel</i></td> <td style="width: 15%; text-align: center;">January 2, 2018</td> </tr> <tr> <td>Community Planner</td> <td style="text-align: center;">Date</td> <td>Chief Planner</td> <td style="text-align: center;">Date</td> </tr> </table>			<i>Original signed by S. Li</i>	January 2, 2018	<i>Original signed by R. Nickel</i>	January 2, 2018	Community Planner	Date	Chief Planner	Date
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RECOMMENDATIONS:

That Variance Application V-20-17-B to vary Table 10 of Part III, Division 1, Section 51 of the City of Brandon Zoning By-law No. 7124 to decrease the required rear yard setback from 7.6 metres to 6.2 metres in the Residential Single Detached (RSD) Zone be approved at 72 Lakeview Drive in accordance with the application “Attachment A-1”, the letter of intent “Attachment A-2” and the site plan “Attachment B-2”.

BACKGROUND:

Request

The applicant, Keith Bourgeois, on behalf of the property owner, Beverley Pinder, is applying to vary Table 10 of Part III, Division 1, Section 51 of the City of Brandon Zoning By-law No. 7124 to decrease the required rear yard setback from 7.6 metres to 6.2 metres for the property located at 72 Lakeview Drive in the Residential Single Detached (RSD) Zone. Approval of this application will allow the owner to install windows to enclose the existing covered deck to form a sunroom.

Development Context

The subject site currently has a single detached dwelling and is located on 72 Lakeview Drive. The site was developed in 2014 and surrounded by properties with similar single detached dwellings. Access to the site is provided by the Lakeview Drive.

ANALYSIS:

The property owner is seeking the variance to allow for installing a three season single pane aluminum wall on an existing deck to create a sunroom which subject to the same rear yard setback as the principal residential building.

Consistency with Part 6, Section 97(1)(b) of The Planning Act and Demonstration that the Variance:***1. Will be compatible with the general nature of the surrounding area;***

The site is located in a newly developed neighbourhood which has similar deck structures in other properties. The existing deck sitting on pier and grade beam system with the roof projecting was constructed at the same time as the principle building. The installation of the single pane aluminum wall will not change the footprint of the existing structure; therefore, the decreased setback will be compatible with the general nature of the surrounding area.

2. Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area;

The proposed sunroom is not visible to the neighbouring properties since the yard is enclosed by a fence; therefore, the decrease in the rear yard setback will not be detrimental to the health or general welfare of surrounding residents nor negatively affect potential development.

3. Is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

The proposed sunroom is considered as part of the principal building which subject to the same rear yard setback requirement. Allowing for a reduced setback relieves the injurious impact on the subject property to install the enclosed wall on the existing covered deck and is the minimum modification of the zoning by-law.

4. Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law

The proposed sunroom is fully contained within the property boundaries and meets all other sitting requirements in Table 10 in the Zoning By-law for the principal building.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

- The City of Brandon requires the applicant to apply for a building permit for the installation work.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 169 of The Planning Act, notice of this Public Hearing regarding this application was sent to owners of property within 100 metres (328 feet) of the subject site and notice posters were posted on the site.

Public Outreach

In accordance with Section 13 of the Zoning By-law, public outreach is not required, as this application will not increase the intensity or density of the development. As of the writing of this report, the Planning, Property & Buildings Department has not received representation in favour of or in opposition to this application.