


TITLE: <p style="text-align: center;">VARIANCE 29 MACLEOD DRIVE</p> OWNER: LANE PATRICK GRAY REID AND COLLEEN ELSIE REID APPLICANT: ELITE SUNROOMS (KEITH BOURGEOIS)		
MEETING DATE: September 20, 2023		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Andrew Mok, BES MCIP RPP	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That Variance Application V-11-23 to vary Table 10 under Section 51 of the Zoning By-law by reducing the required corner side yard from 3.0m to 1.5m to construct a sunroom in the Residential Single Detached (RSD) Zone be approved at 29 Macleod Drive (Lot 39, Block 3, Plan 1608 BLTO) in accordance with the attached letter of intent "Attachments A-1 and A-2" and the attached site plan "Attachment B-4".

BACKGROUND:

Request

The applicant, Keith Bourgeois of Elite Sunrooms, on behalf of the property owner, Lane Patrick Gray Reid and Colleen Elsie Reid, is applying to vary Table 10 under Section 51 of the Zoning By-law by reducing the required corner side yard from 3.0m to 1.5m of the City of Brandon Zoning By-law No. 7124 to construct a sunroom for property located at 29 Macleod Drive in the RSD Zone.

Development Context

The subject site currently has a detached dwelling with a deck on the south side of the dwelling, and is located midway along Macleod Drive at one of the intersections where Macleod Drive becomes looping streets. The southwest corner of the site also has a detached garage and driveway on the south. Uses surrounding the site include low-density residential, mostly detached dwellings, on all sides, with a school further to the south. Macleod Drive provides access on the east and south sides of the site.

History

The detached dwelling on the site was built in 1974. The City has no records on when the deck where the applicant is proposing to build the sunroom was built.

ANALYSIS:

The applicant is proposing to construct a sunroom over the existing deck on the south side of the detached dwelling.

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;*

Sunrooms are common additions or accessories to detached dwellings, and do not change the existing detached dwelling use in the predominantly low-density residential area. The proposal therefore 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 intents of having a minimum 3.0m corner side yard are to accommodate utility easements adjacent to streets, especially in newer developments, and to provide a degree of setback from street rights-of-way partly for visibility reasons. On the first intent, utility companies did not raise concerns with this application in terms of potential effects on shallow utilities surrounding nearby properties. On the second intent, the site's immediate neighbour to the west at 31 Macleod Drive already has a deficient corner side yard, but the distance of the actual roadway within the Macleod Drive right-of-way mitigates the lack of side yard. The existing situation at 31 Macleod Drive next door demonstrates that, with this site, the proposal will not be detrimental to people or properties in the surrounding area.

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 applicant is proposing to build the sunroom where a deck already exists on site, and does not propose to enlarge the deck further to be closer to the south site line. The proposal is therefore the minimum modification of the Zoning By-law required to relieve its injurious effect on the property.

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

Development Plan

- No policies in the Development Plan specific to side yards
- However, proposal does not change existing residential use, consistent with the area's "Residential" designation

Zoning By-law

- Beyond the requested variance, proposal complies with all other applicable provisions of the Zoning By-law, such as required front and rear yards and building height

Commenting Agencies

The City did not receive any comments of significant concern.

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 the proposal does not increase the intensity or density of use on the site. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.