



Report Committee of Adjustment

Filing Date: November 17, 2023

Hearing Date: December 19, 2023

File: A-2023-0380

**Owner/
Applicant:** Joel Cabral

Address: 71 Forsythia Road

Ward: WARD 8

Contact: Aferdita Dzaferovska, Planning Technician

Recommendations:

That application A-2023-0380 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 drainage on adjacent properties is not adversely affected;
 3. That drainage from the existing accessory structures must flow onto the owners property;
 4. That the owner obtain a building permit within 60 days of the final date of decision or extended 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:

The subject property has been subject to previously approved Minor Variance application A13-098 in March of 2013. The approved variances included the following:

1. That Variance 2 (to allow a 0.0 metre setback for the accessory structure) (shed) be refused
2. That the existing accessory structure (shed) shall be limited to a maximum gross floor area of 11.60 square metres (125 square feet)

3. That the owner shall secure a building permit for the existing accessory structure (shed) and the proposed addition, including the previously constructed below grade entrance, within ninety (90) days of the final date of decision of the Committee;
4. That prior to the issuance of a building permit to for the proposed addition, elevations shall be submitted and approved to the satisfaction of the Commissioner of Planning, Design and Development;
5. That drainage from the roof of the accessory structure shall be contained on the owners property and there shall be no adverse impacts to drainage for adjacent properties;
6. That the below grade entrance shall not serve a basement apartment
7. That failure to comply with the conditions of the Committee shall render the approval null and void.

Upon review of the current Minor Variance application A-2023-0380, the applicant is requesting 3 variances that are similar in nature to bring an existing shed which has since been altered into conformity.

Existing Zoning:

The property is zoned 'Residential Semi Detached A Special Section 100 (R2A(1) – 100)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (existing garage/shed) having a gross floor area of 15.85 square metres, whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure;
2. To permit a combined gross floor area of 25.25 square metres for two accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures;
3. To permit an accessory structure (existing garage/shed) in the interior side yard having a setback of 0.1m, whereas the by-law does not permit an accessory structure to encroach into the minimum interior side yard setback of 1.2 m required for the main building.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in Schedule A of the Official Plan. The property is located within the Bramalea Secondary Plan (Area 3) and is further designated 'Low Density 1 Residential'. The new Council approved Brampton Plan designates the property as 'Neighbourhoods' in Schedule 2. The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential Semi Detached A Special Section 100 (R2A(1) – 100)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit an accessory structure (existing garage/shed) having a gross floor area of 15.85 square metres, whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure. Variance 2 is requested to permit a combined gross floor area of 25.25 square metres for two accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures. The intent of the bylaw in regulating the maximum permitted gross floor area of accessory structures is to ensure that the property is not dominated by additional structures and limit the provision of outdoor recreational space.

The applicant is seeking increase the gross floor area for the existing accessory structure by 0.85 metres square (2.79 sq. ft). Further, the applicant is looking to increase the amount of permitted combined gross floor area for the accessory structures by 5.25 metres square (17.22 sq. ft). Staff are of the opinion that this relief will not generate a sense of the property being dominated by accessory structures given the large size and configuration of the lot as well as the location of the accessory structures. Subject to the conditions of approval, Variance 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law

Variance 3 is requested to permit an accessory structure (existing garage/shed) in the interior side yard having a setback of 0.1m, whereas the by-law does not permit an accessory structure to encroach into the minimum interior side yard setback of 1.2 metres required for the main building. The intent of the by-law in requiring a minimum setback to an accessory structure is to ensure that sufficient space is provided for drainage and access for maintenance. Engineering staff have reviewed the application and do not have adverse concerns regarding the location of existing accessory structure and no negative impacts are anticipated in respect to drainage on site. Subject to the recommended conditions of approvals, Variance 3 is considered to maintain the general intent of the Zoning By-law

3. Desirable for the Appropriate Development of the Land

Variance 1 requests to increase the gross floor area of an existing garage/shed, Variance 2 requests requested to increase the combined gross floor area of two accessory structures (an existing garage/shed and shed). Given the large size of the backyard, the size of the accessory structures in the rear yard are not anticipated to create negative visual massing impacts and a large amount of space is still provided for recreational activity in the rear yard. The accessory structures are features that enhance the amenity space on the property which features an underground pool and patio area. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

Variance 3 relates to reduced interior side yard setback to an existing accessory structure. The requested variance is to permit a setback of 0.1 metres (0.33 ft) whereas a minimum setback of 1.2 metres (3.94ft) is required. The requested variance results in a setback difference of 1.1 metres (3.61 ft). The addition of the shed is considered appropriate for the development of the land as it would

allow for additional storage of utilities on the property. An adequate amount of recreational space remains in the rear yard of the property and drainage is not anticipated to be negatively impacted. Variance 3, subject to recommended conditions of approval, is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1, 2 are requested to increase of gross floor area for the existing garage/shed as well as for two existing accessory structure on a property. Due to the size of the rear yard, Staff do not anticipate that the increase will contribute to an overdevelopment of the property. Further, given the large lot amenity space will not be limited if the increased size is permitted. Adverse impacts to the subject property and ones that are adjacent are not anticipated. Subject to the recommended conditions of approval, Variance 1 and 2 are considered minor in nature.

Variance 3 seeks to reduce the setback from the existing accessory structure to the lot line in the interior side yard of the property. As minimal maintenance is required for the fence and shed, Staff are of the opinion that the requested setback from the property line to the shed are appropriate in order to maintain adequate drainage. Subject to the recommended approval conditions, Variance 3 is appropriate for the development of the land.

Respectfully Submitted,

Aferdita Dzaferouska

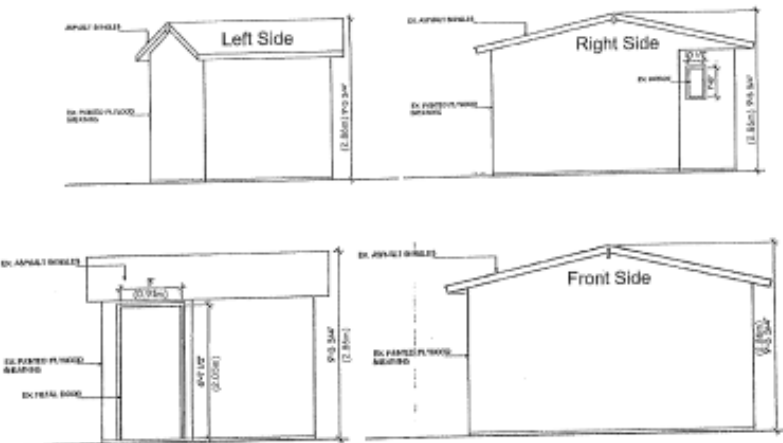
Aferdita Dzaferovska, Planning Technician

APPENDIX A – Site Visit Photos



APPENDIX B - Elevations

Original Shed (2013)



Proposed Shed (2023)

