



Report Committee of Adjustment

Filing Date: April 28, 2023

Hearing Date: May 30, 2023

File: A-2023-0117

**Owner/
Applicant:** Karin Walter-Muller

Address: 33 Caledon Crescent

Ward: WARD 3

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0117 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 the owner shall obtain a building permit for the shed within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

In 2021, the dwelling on the subject property was damaged by a fire. The owner is now proposing to construct a new one-storey dwelling and has obtained approval from the City's Custom Home Architectural Control Review process (CH-2023-0016). The Minor Variance application is to permit an existing oversized shed which was constructed in the 1990's within the rear yard of the subject property.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an accessory structure (shed) having a gross floor area of 15.91 sq. m (171.25 sq. ft.) whereas the by-law permits a maximum size of 15 sq. m (161.45 sq. ft.) for an individual accessory structure.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is currently zoned 'Residential Single Detached B,' (R1B), according to By-law 270-2004, as amended.

The variance is requested to permit an accessory structure (shed) having a gross floor area of 15.91 sq. m (171.25 sq. ft.) whereas the by-law permits a maximum size of 15 sq. m (161.45 sq. ft.) for an individual accessory structure. The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure is to ensure that the property is not dominated by structures, and they do not negatively impact the provision of outdoor amenity space or adjacent properties.

The accessory structure is intended to enhance the outdoor amenity space in the rear yard and to provide enclosed storage. While the size of the shed is 0.91 sq. m (9.80 sq. ft.) larger than what the by-law permits, the accessory structures is not considered to negatively impact the provision of outdoor amenity space given the size of the rear yard. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting a variance to bring an existing oversized shed located in the rear yard of the property into compliance. There is sufficient separation between the shed and the adjacent properties as the accessory structure maintains all minimum setback requirements as set out in the Zoning By-law. Given the size of the rear yard, the shed is not considered to limit the overall provision of amenity space or cause negative visual impacts as it will be screened from the neighbouring property by fencing. As a result, no negative impacts are anticipated on-site or off-site. The variance is deemed desirable for the appropriate development of the land.

4. Minor in Nature

The subject lands are located within a residential area, due to the size and conditions of the property, the existing accessory structure is not anticipated to detract from outdoor amenity space or create adverse impacts on-site or off-site as adequate distance is maintained from the shed to adjacent properties. The rear yard provides ample screening through existing landscaping and fencing and therefore the location and scale of the accessory structure does not generate privacy or shadowing impacts. A condition of approval is that the extent of the variances be limited to that shown on the sketch, ensuring the size and height of the shed be limited and remain in the same place as currently contemplated, this will ensure that the shed remains accessory to the primary residential dwelling. The variance is considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

