



Report Committee of Adjustment

Filing Date: December 21, 2023

Hearing Date: February 20, 2024

File: A-2023-0422

**Owner/
Applicant:** SANTOKH SANDHU

Address: 22 Havelock Drive

Ward: WARD 3

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0422 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 shall not be adversely affected;
 3. That drainage from the proposed shed roof must flow onto the owner's property; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Single Detached C- Special Section 2573 (R1C-2573)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed shed having a gross floor area of 25.04 sq. m. (269.53 sq. ft.), whereas the by-law permits a maximum gross floor area of 15 sq. m. (161.46 sq. ft.) for an individual accessory structure; and
2. To permit a proposed shed having a height of 3.25m (10.66 ft.), whereas the by-law permits an accessory structure having a maximum height of 3.0m (9.84 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low and Medium Density Residential' in the Fletchers Creek South Secondary Plan (Area 24). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit a proposed shed having a gross floor area of 25.04 sq. m. (269.53 sq. ft.), whereas the by-law permits a maximum gross floor area of 15 sq. m. (161.46 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 additional structures and limit the provision of outdoor recreational space. The applicant is only looking to increase the amount of permitted gross floor area for the accessory structures by 10.04 square metres (108.07 square feet) and Staff are of the opinion that this relief will not generate a sense of the property being dominated by accessory structures. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a building height of 3.25m (10.66 sq. ft.) for an accessory structure (proposed shed) whereas the by-law permits a maximum height of 3.0m (9.85 ft.) for an accessory structure. The intent of the by-law in regulating the permitted height of an accessory structure is to ensure that the structure does not have negative massing impacts on adjacent properties or bring forth concerns regarding privacy. The variance speaks to an additional 0.25m (0.82 ft.) of height for the accessory structure which the overall height is not anticipated to have negative impacts on abutting properties. The location of the accessory structure will be towards the rear of the home, mitigating shadowing impacts. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 requests to increase the permitted gross floor area of a proposed shed in the rear yard of the subject property. As per the by-law, the accessory structure's (proposed shed) floor area can be 15 sq. ft. (161.46 sq. ft.) and the applicant is seeking to have this increased to 25.04 sq. ft (269.53). Due to the large size of the backyard, the size of the accessory structures in the rear yard does not create negative visual massing impacts and plenty of space is still provided for recreational activity in the rear yard. The placement of the shed does not impact access to the home through the entrance in the rear yard. The proposed shed will be used to store household items which are currently located in the rear yard of the house, further enhancing the amenity space on the property. In this case, the shed generally requires minimal maintenance and drainage in the rear yard would not appear to be impacted by the accessory structure. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

Variance 2 requests to permit a proposed shed having a height of 3.25m (10.66 ft.), whereas the by-law permits an accessory structure having a maximum height of 3.0m (9.84 ft.). Due to the proposed accessory structure's location on the lot, Staff do not have concerns surrounding privacy or shadowing. Furthermore, the massing of the proposed structure is not anticipated to pose negative visual impacts on adjacent properties. Subject to the recommended conditions of approval, Variance 2 is appropriate for the development of the land.

4. Minor in Nature

Variance 1 is being requested to increase the amount of gross floor area for a proposed accessory structure (proposed shed) on the property and Variance 2 is requested to have the structure's maximum height increased by 0.25m (0.82 ft.). Due to the size of the rear yard, Staff do not anticipate that amenity space will be limited if the increased size to the shed is permitted. Adverse impacts to the subject property and ones that are adjacent should not be created. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

