



## Report Committee of Adjustment

**Filing Date:** February 28<sup>th</sup>, 2023

**Hearing Date:** March 28<sup>th</sup>, 2023

**File:** A-2023-0056

**Owner/**

**Applicant:** ABHISHEK SINGH TANWAR AND MANISHA TANWAR

**Address:** 24 GRAND RIVER COURT

**Ward:** WARD 8

**Contact:** Samantha Dela Pena, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0056 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 applicant obtain a building permit for the existing carport within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and
  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:**

#### Existing Zoning:

The property is zoned 'Residential Townhouse A(4) Zone Special Section 2774 – (R3A(4)-128)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variance:

1. To vary Schedule 'C', Section 128 of the by-law to permit a carport located outside the approved building envelope, whereas the by-law requires that all buildings be constructed in accordance with Schedule 'C', Section 128 to the by-law; and
2. To permit a 0.54m (1.78 ft) setback to an existing accessory structure (shed), whereas the by-law requires a minimum 0.6m (1.97 ft) setback to an accessory structure.

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and is further designated 'Medium Density Residential' in the Bramalea Secondary Plan (Area 3). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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 vary Schedule 'C', Section 128 of the by-law to permit a carport located outside the approved building envelope, whereas the by-law requires that all buildings be constructed in accordance with Schedule 'C', Section 128 to the by-law. The intent of the by-law in regulating a property via a Schedule C provision is to provide a visual representation of the building area on the property. This type of regulation is typically associated with older areas of the City. As per staff site visit, it was determined that adequate areas for parking / maneuvering of vehicles and a sufficient path of travel to access to the rear yard is maintained within the carport area (see Appendix A).

Variance 2 is requested to permit a 0.54m (1.78 ft) setback to an existing accessory structure (shed), whereas the by-law requires a minimum 0.6m setback to an accessory structure. The intent of the by-law in requiring a minimum setback from an accessory structure to the nearest property lines is to ensure that sufficient space is maintained for drainage and access for maintenance of the shed. As per site visit conducted by Staff (see Appendix A), it was determined that a 0.54m (1.78 ft) setback reduction provides adequate space to allow for the maintenance of the shed, as the three remaining exterior walls of the shed are easily accessible. Moreover, City engineering staff confirmed that the reduced setback does not negatively impact either drainage or access to the shed.

Subject to the recommended conditions of approval, Variances 1 and 2 maintain the general intent and purpose of the by-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit an existing carport outside of the permitted building envelope as defined by Schedule C-128. Staff are of the opinion that sufficient area for path of travel, access to the rear yard, and areas for parking / maneuvering of vehicles is maintained on the subject property. As per Appendix A, staff conducted a site visit and were satisfied with the materials and layout of the existing carport, as the structure is not enclosed and cohesively matches the existing dwelling.

Furthermore, the current configuration and dimensions of the existing carport cannot accommodate any additional vehicle parking, as the existing carport is primarily being used as a storage space for recycling bins and other various outdoor household items (see Appendix A). As such, staff are of the opinion that the existing carport functions without any negative visual impact on the street scape or abutting properties and prevents additional vehicles from being parked.

Variance 2 is requested to permit existing site conditions for an accessory structure (shed) with a reduced setback to the nearest property lines. After review of the requested variance, Engineering staff have no concerns in regard to drainage. Furthermore, wooden fencing is located along both the rear and side yard property lines providing adequate screening to abutting properties (see Appendix A). As such, Staff are of the opinion that the existing shed does not negatively impact any adjacent properties.

Subject to the recommended conditions of approval, variances 1 and 2 are considered desirable for the appropriate development of the land.

#### 4. Minor in Nature

The requested variances to permit existing site conditions for both a carport located outside of the permitted building envelope and a shed accessory structure with reduced setbacks are not considered to have significant impact on drainage or limiting access to the property. The existing carport and shed on the subject property are both designed and screened in a manner that reduces its overall impact on neighboring properties and the streetscape, respectively.

Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

**Appendix A – Site Visit Photos:**

