



Report Committee of Adjustment

Filing Date: November 7, 2023

Hearing Date: March 19th, 2023

File: A-2023-0351

**Owner/
Applicant:** LUIS RIOS & IAIM VERGARA

Address: 51 Cavendish Crescent

Ward: WARD 7

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0351 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 should not be adversely affected;
 3. That the applicant obtain a building permit for the existing equipment storage shed 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
 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 Semi-detached A(1) (R2A(1))', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a gross floor area of 20.56 sq. m. (221.30 sq. ft.) for one accessory structure (existing equipment storage shed), whereas the by-law permits a maximum of 15 sq. m. (161.46 sq. ft.) for one accessory structure;
2. To permit a combined gross floor area of 26.51 sq. m. (285.35 sq. ft.) for 2 accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 sq. m. (215.27 sq. ft.) for two accessory structures;
3. To permit an accessory structure (existing equipment storage shed) having a setback of 0.23 m. (0.75 ft.) to the rear lot line, whereas the by-law requires a minimum 0.6 m. (1.97 ft.) to the nearest lot line; and
4. To permit an accessory structure (existing shed in rear) having a setback of 0.51 m. (1.67 ft.) to the side lot line, whereas the by-law requires a minimum 0.6 m. (1.97 ft.) to the nearest lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density 1 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. 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 gross floor area of 20.56 sq. m. (221.30 sq. m.) for an accessory structure (existing shed), whereas the by-law permits a maximum gross floor area of 15 sq. m. (161.46 square ft.) for an accessory structure. The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure is to ensure that outdoor amenity space is provided in the rear yard. The applicant is only looking to increase the amount of permitted combined gross floor area for the accessory structures by 5.56 sq. m. (59.85 sq. ft.) and Staff are of the opinion that this relief will not generate a sense of the lot being dominated by the accessory structure, given the large size of the subject property. 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 combined gross floor area of 26.51 sq. m. (285.35 sq. ft.) for two (2) accessory structures (two existing sheds), whereas the by-law permits a maximum combined gross floor area of 20 sq. m. (215.27 sq. ft.) for two (2) accessory structures. Similar to Variance 1, the intent of the by-law in regulating the maximum permitted gross floor area of accessory structures is to ensure that the property is not dominated by additional structures that would limit the provision of outdoor recreational space. The applicant is only looking to increase the amount of permitted combined gross

floor area for the accessory structures by 6.51 sq. m. (70.08 sq. ft.) 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 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an existing accessory structure (existing equipment storage shed) located 0.23 m. (0.75 ft.) from the rear yard lot line whereas the by-law permits a setback of 0.6 metres (1.96 feet.) to the nearest lot line. Variance 4 is requested to permit an existing accessory structure (shed) located 0.51 m. (1.67 ft.) from the side yard lot line whereas the by-law permits a setback of 0.6 metres (1.96 feet.) to the nearest lot line. 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. In this case, the shed generally requires minimal maintenance and drainage in the rear yard does not appear to be impacted by the accessory structures. Subject to the conditions of approval, Variances 3 and 4 are 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 permit a gross floor area of 20.56 sq. m. (221.30 sq. ft.) for an accessory structure (existing equipment storage shed), whereas the by-law permits a maximum gross floor area of 15 sq. m. (161.46 square feet) for an accessory structure. Due to the large size of the backyard, the size of the equipment storage shed in the rear yard does not create negative visual massing impacts and a sufficient amount of space is still provided for recreational activity in the rear yard. The accessory structure is seen as a feature that can enhance the amenity space on the property and provide storage of equipment for the owners. Subject to the recommended conditions of approval, Variance 2 is appropriate for the development of the land.

Variance 2 requests to increase the combined gross floor area of two accessory structures (two sheds). As per the by-law, the combined gross floor area can be 20 sq. m. (215.27 sq. ft.) and the applicant is seeking to have this increased to 26.51 sq. m. (285.35 sq. ft.). As the height of the structures are within the limit set out in the Zoning By-law, Staff do not have concerns in regard to massing or the impact to sightlines. As the subject property is located in a jurisdiction that is regulated by the TRCA, the proposal was reviewed by the TRCA Staff and they did not have objections towards supporting the development. Subject to the recommended conditions of approval, Variance 2 is appropriate for the development of the land.

Variances 3 and 4 are requested to permit the position of the existing equipment storage shed that is located 0.23 m. (0.75 ft.) from the rear yard lot line and permit the existing shed in rear yard to be located 0.51 m. (1.67 ft.) from the side yard lot line, whereas 0.6 metres (1.96 feet) is required, as per the Zoning By-law. The accessory structures are seen as appropriate for the development of the land as they 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 will not be negatively impacted. Subject to the recommended conditions of approval, Variances 3 and 4 are 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 an existing accessory structure on the property. Due to the size of the rear yard, Staff do not anticipate that amenity space will be limited if the increased size is permitted. The lot is located within a cul-de-sac, forming a larger area in the backyard which can accommodate the structures without concerns surrounding the overcrowding of sheds. Adverse impacts to the subject property and ones that are adjacent should not be created. Subject to the recommended conditions of approval, Variance 1 is considered minor in nature.

Variance 2 is being requested to increase the amount of gross floor area for two existing accessory structures on a property. Due to the size of the rear yard, Staff do not anticipate that amenity space will be limited if the increased size is permitted. Subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

Variances 3 and 4 seek reduced setbacks from accessory structures to the lot lines in the rear of the property. As minimal maintenance is required for the fences and sheds, Staff are of the opinion that the requested setbacks from the property line to the accessory structures should be adequate to maintain adequate drainage. Subject to the recommended approval conditions, Variances 3 and 4 are appropriate for the development of the land.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis".

Ellis Lewis, Assistant Development Planner

Appendix A:

