



Report Committee of Adjustment

Filing Date: June 13, 2024

Hearing Date: July 16, 2024

File: A-2024-0220

**Owner/
Applicant:** Pardeep Kang and Navtej Kang
Noble Prime Solutions

Address: 24 Tortoise Court

Ward: 10

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0220 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 existing accessory structures (gazebo and shade structure) within 60 days of the decision of approval, or within an extended period of time to be granted 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.
-

Background:

Existing Zoning:

The property is zoned 'Rural Estate Two (RE2)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing accessory structure (gazebo) located on a landscape deck having a gross floor area of 48.40 square metres (521 sq ft), whereas the by-law permits a gazebo on a landscaped deck having a maximum gross floor area of 10 square meters;

2. To permit an existing accessory structure (shade structure) having a gross floor area of 23.69 square metres (255 square feet), whereas the by-law permits a maximum gross floor area of 23 square metres for an individual accessory structure;
3. To permit a combined gross floor area of 72.09 square metres for two (2) existing accessory structures (gazebo & shade structure), whereas the by-law permits a maximum combined gross floor area of 40 square metres for (2) accessory structure; and,
4. To permit an existing accessory structure (gazebo) located on a landscape deck having a height of 4.57m, whereas the by-law permits a gazebo on a landscaped deck having a minimum height of not more than 3 metres measured from the walking surface of the landscaped deck.

Current Situation:

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

The subject property is designated as 'Estate Residential' in the Official Plan and 'Estate Residential' in the Vales of Castlemore Secondary Plan (Area 42). In relation to the Council Approved Brampton Plan (2023), the subject property is designated as 'Community Areas' on Schedule 1A – City Structure and 'Neighbourhoods' on Schedule 2 – Land Designations. The 'Residential' designation in the Official Plan permits residential uses as well as other complementary uses. The 'Neighbourhoods' designation in the council approved Brampton Plan permits a broad range of residential uses and neighbourhood-supportive commercial uses, community services, and facilities that supports 15-minute neighbourhoods. The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 'Rural Estate Two (RE2)', according to By-law 270-2004, as amended.

Variances 1, 2 and 3 requested are in regards to the size and number of existing accessory structures (gazebo and shade structure) on the property.

Variance 1 is requested permit an existing accessory structure (gazebo) located on a landscape deck having a gross floor area of 48.40 square metres (521 sq ft), whereas the by-law permits a gazebo on a landscaped deck having a maximum gross floor area of 10 square meters. Variance 2 is requested to permit an existing accessory structure (shade structure) having a gross floor area of 23.69 square metres (255 square feet), whereas the by-law permits a maximum gross floor area of 23 square metres for an individual accessory structure. Variance 3 is requested to permit a combined gross floor area of 72.09 square metres for two (2) existing accessory structures (gazebo & shade structure), whereas the by-law permits a maximum combined gross floor area of 40 square metres for (2) accessory structure.

The intent of the By-law in regulating the maximum permitted gross floor area of an accessory

building and the total number of accessory structures, is to ensure that the property is not dominated by structures and to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property. Based on the large size of the property (approximately 8,605.7 sq. m (2.12 acres)) the proposed increase in accessory structure area does not negatively impact the availability of amenity space. Variances 1, 2, and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an existing accessory structure (gazebo) located on a landscape deck having a height of 4.57m, whereas the by-law permits a gazebo on a landscaped deck having a maximum height of not more than 3 metres measured from the walking surface of the landscaped deck. 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 visual massing impacts on adjacent properties.

The height of the accessory structure (gazebo) with a peaked roof design is proposed to be 1.57m higher than what the by-law permits. Given the distance between the proposed accessory building and adjacent dwellings, the proposed increase in height of the accessory buildings is not considered to generate negative visual massing impacts. Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed gazebo and shade structure are intended to be utilized as a form of passive recreation for residents of the property. Due to the large size of the property, the addition of the accessory structures will not negatively impact the availability of outdoor amenity space and they are proportioned appropriately. Conditions of approval are recommended that the drainage from the roof of the accessory structures shall flow onto the applicant's property and that drainage on adjacent properties shall not be impacted. Subject to conditions of approval, Variances 1, 2, 3, and 4 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an estate residential area of the City of Brampton. Considering the size of the property, the proposed gazebo and shade structure will not detract from access to outdoor amenities. Further, a fence and vegetation surround the property providing a natural privacy screen, thus limiting the visual impact of the proposed accessory structures on surrounding properties. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

