



Report Committee of Adjustment

Filing Date: June 27, 2024
Hearing Date: August 20, 2024

File: A-2024-0251

**Owner/
Applicant:** Jagdeesh Kang
Noble Prime Solutions

Address: 1 Glacier Road

Ward: 5

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0251 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 drainage on adjacent properties should not be adversely affected; 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 Single Detached E - Special Section 2314', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an accessory structure (gazebo) having a gross floor area of 26.01 square metres (280 square feet), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure.

Current Situation:

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved. Within the 2006 Official Plan, the subject property is designated as 'Residential' and 'Low Density 1 – Residential' in the Credit Valley Secondary Plan (Area 45). 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 'Residential Single Detached E - Special Section 2314', according to By-law 270-2004, as amended.

Variance 1 is requested to permit an accessory structure (gazebo) having a gross floor area of 26.01 square metres (280 square feet), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure. The intent of the by-law in regulating the maximum permitted gross floor area for an accessory structure is to ensure that the property is not dominated by structures and that they do not negatively impact the provision of outdoor amenity space.

The accessory structure (gazebo) is intended to enhance the outdoor amenity space in the rear yard. The proposed gazebo is 11.01sq.m. larger than what the by-law permits. As the structure is proposed to be located in the northwest corner of the property and will comply with the minimum height requirements, The design and nature of the accessory structure is not anticipated to generate a sense that the property is dominated by the accessory structures. Given the size of the rear yard the accessory structure (gazebo) is not considered to negatively impact the provision of outdoor amenity space for the property. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is proposing to construct an accessory structure (gazebo) having a gross floor area greater than the by-law permits. The proposed location and size of the gazebo is not considered to cause negative visual impacts or contribute to a significant loss of outdoor amenity space area on the property. While the size of the gazebo is greater than what is permitted, it maintains the minimum height requirements and is located behind an existing fence enclosing the rear yard. A condition of approval is recommended that drainage on adjacent properties should not be adversely affected. Subject to the recommended conditions of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is a corner lot that has an existing fenced rear yard where the accessory structure will be located. The accessory structure is not considered to detract from access to outdoor amenities or create adverse impacts on-site or off-site. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

