



Report Committee of Adjustment

Filing Date: November 7th, 2024
Hearing Date: December 10th, 2024

File: A-2024-0310
**Owner/
Applicant:** PAULINE REICHERT / KELVIN LO

Address: 37 Guest Street

Ward: WARD 3

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0310 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 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;
 3. That drainage on adjacent properties shall not be adversely affected; 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:

Variances 1, 2, 3, and 5 are to reflect as built conditions rather than 'proposed' as per the public notice. The application was reviewed and processed with the understanding of the variances reflect current conditions with no changes to the below measurements.

Existing Zoning:

The property is zoned 'Residential Single-Detached (R1B)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure proposed shed having a setback of 0.13 metres to the rear lot line whereas the by-law requires a minimum 0.6 metres to the nearest lot line;
2. To permit an accessory structure proposed shed having a setback of 0.31 metres to the side lot line whereas the by-law requires a minimum 0.6 metres to the nearest lot line;
3. To permit an accessory structure proposed shed, having a height of 3.38 metres (11.09 feet) whereas the by-law permits an accessory structure having a maximum height of 3.00 metres (9.84 feet);
4. To permit a combined gross floor area of 41.28 square metres (444.33 square feet) for two (2) accessory structure whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures
5. To permit an accessory structure proposed shed having a gross floor area of 27.88 square metres (300.10 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.

The property is designated 'Residential' in the Official Plan and is designated 'Low Density Residential' in the Downtown Brampton Secondary Plan (Area 7). 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

Variances 1 and 2 are to permit an accessory structure (existing shed) having a setback of 0.13 metres to the rear lot line whereas the by-law requires a minimum 0.6 metres to the nearest lot line and to permit an accessory structure (existing shed) having a setback of 0.31 metres to the side lot line whereas the by-law requires a minimum 0.6 metres to the nearest lot line. The intent of the by-law in requiring a minimum setbacks for accessory structures is to ensure that sufficient space area is

provided for property maintenance and building separation. While there is a request for a slight reduction to the setback of the accessory structure, all other setbacks to property lines are maintained, mitigating adverse effects regarding massing and shadowing on adjacent properties. The space between the structure and the property line does not require significant maintenance. Furthermore, drainage does not appear to be impacted by the structure. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requesting to permit an accessory structure existing shed, having a height of 3.38 metres (11.09 feet) whereas the by-law permits an accessory structure having a maximum height of 3.00 metres. 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. The variance is seeking an additional 0.38 metres for the accessory structure which is not anticipated to have negative massing impacts. The location of the structure relative to the property and surrounding site context ensures that the increase in height will not generate adverse impacts although it requires decrease to the minimum setback requirements. The variance does not cause any adverse impacts related to privacy and shadowing and is therefore considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a combined gross floor area of 41.28 square metres (444.33 square feet) for two (2) accessory structure whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures. Variance 5 is requested to permit an accessory structure existing shed having a gross floor area of 27.88 square metres (300.10 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 of accessory structures is to ensure that the property is not dominated by additional buildings and limit the provision of outdoor recreational space. The existing accessory structures are both be located behind the single-detached home in the rear yard. The sizes of these structures are not considered to detract from the outdoor amenity area or be a primary focus of the property as the home sits on a relatively large lot. Subject to the conditions of approval, Variances 4 and 5 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting 5 variances related to two existing sheds. Given the size of the lot and rear yard, the overall size of the shed is not anticipated to cause negative visual impacts or limit the overall provision of amenity space. City Engineering Staff do not have concerns regarding drainage that would be limited due to the setback reduction. As this is a single-detached home, concerns regarding access to the rear yard are mitigated. The existing location and size of the accessory structures are not considered to cause negative visual impacts or contribute to a significant loss of outdoor amenity space area on the property. The height for the existing shed will be 3.38m (11.09 ft). They do not exceed height requirements and are far removed from the front property line, limiting impact on the street. A condition of approval is recommended that drainage on adjacent properties should not be adversely affected.

Subject to the recommended conditions of approval Variances 1, 2, 3, and 4 are considered desirable for the appropriate development of the land.

4. Minor in Nature

The subject lands are located within a residential area with average lot sizes. Considering the size and conditions of the property, the existing accessory structures are not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structure in relation to the surrounding land context does not generate privacy or shadowing impacts. The sheds enhances the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix A



Appendix B

