



Report Committee of Adjustment

Filing Date: November 25th, 2024

Hearing Date: January 28th, 2025

File: A-2024-0439

**Owner/
Applicant:** NOVLETTE SACKY

Address: 179 Whitewell Drive

Ward: WARD 10

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0439 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached A- Special Section 1711 (R1A-1711)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 0.02 metres (0.07 feet) to an existing accessory structure, whereas the by-law requires an interior side yard setback of 0.6 metres on one side and 1.2 metres (3.9 feet) on the other side; and
2. To permit an accessory structure located closer to the front wall of the building, whereas the by-law permits an accessory structure in the side yard located no closer to the front wall of the main building than one-half the length of the main building wall facing the interior side lot line.

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 'Residential' in the Vales of Castlemore Secondary Plan (Area 42). 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 being requested to permit an interior side yard setback of 0.02 metres (0.07 feet) to an existing accessory structure, whereas the by-law requires an interior side yard setback of 0.6 metres on one side and 1.2 metres (3.9 feet) on the other side. The intent of the by-law in requiring a minimum interior side yard setback to an accessory structure is to ensure that maintenance can be completed on the structure and on the fence, when deemed necessary. The 0.02 metre (0.07 feet) setback limits the ability to guarantee that the structure and neighbouring fence remain in reliable condition. Variance 2 seeks to permit an accessory structure located closer to the front wall of the building, whereas the by-law permits an accessory structure in the side yard located no closer to the front wall of the main building than one-half the length of the main building wall facing the interior side lot line. The intent of the by-law in regulating the placement of the accessory structure is to limit its view from the public realm. Due to the shed's sitting on a foundation, in the front section of the main wall that is facing the interior side yard, it would be difficult to move it to the rear of the property and it has a negative impact on the streetscape as it is highly visible. The location of the structure relative to the adjacent property generates aesthetic and functional concerns. The requested variances do not maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances seek to permit a reduced interior side yard setback for an existing accessory structure and permit its placement on the front half of the main wall facing the interior side yard. Concerns have been raised regarding the maintenance of the fence and structure, as well as potential drainage issues affecting adjacent properties. Specifically, the reduced setback and the sloped roof, which is angled towards the adjacent residential property to the northwest, may result in drainage flow impacting neighboring lands. The limited setback also restricts the installation of eavestroughs or other mechanisms to redirect drainage effectively. Additionally, Staff also have concerns involving the location of the shed near the front entrance, as it is located at the "T" intersection of the community. As

per Staff's review of the requested variances, they are not considered desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit a reduced interior setback to an existing accessory structure and to keep the structure positioned in an area that is visible from the streetscape and public realm. These variances are considered to potentially negatively impact the aesthetics of the property's front yard, particularly given the dwelling's prominent location within the neighbourhood. In addition, the structure's location is within close proximity to the neighbouring residential property and Staff have concerns surrounding the impact that unwanted drainage flows can have on that property, especially due to the angle of the roof. Variances 1 and 2 are not considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Ellis Lewis, Planner I

Appendix A:

