

Filing Date: November 13, 2020

Hearing Date: January 5, 2021

File: A-2020-0133

**Owner/
Applicant:** **GARTH MANSINGH AND HELENE MANSINGH**

Address: **1 Moore Crescent**

Ward: 3

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0133 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 Public Notice;
2. That the accessory structure shall not be used as a garage as defined by the Zoning By-law;
3. That the applicant shall obtain all required permits and approvals from the Toronto and Region and Conservation Authority, to the satisfaction of said authority;
4. 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 "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a proposed accessory structure (shed) having a gross floor area of 26.28 sq. m (282.88 sq. ft.) whereas the by-law permits a maximum gross floor

area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;

2. To permit a combined gross floor area of 28.8 sq. m (310 sq. ft.) for two accessory structures (proposed shed and existing shed) whereas the by-law permits a maximum combined gross floor area of 23 sq. m (247.58 sq. ft.);
3. To permit an existing fence having a maximum height of 2.33m (7.64 ft.) whereas the by-law permits a fence to a maximum height of 2.0m (6.6 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated “Central Area” in the Official Plan and “Low Density” in the Downtown Brampton Secondary Plan (Area 7). The requested variances are not considered to have significant implications within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

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

Variances 1 and 2 are requested to permit two accessory structures on the property exceeding the maximum permitted floor area: one existing storage shed and one proposed shed.

The intent of the by-law in regulating the maximum size for two accessory structures is to ensure that the property is not dominated by accessory structures and that accessory structures remain ancillary to the primary residential use.

Given the size of the property the increased floor area of the accessory structure does not dominate the outdoor space. The use of the two accessory structures is intended to be supplementary storage for the primary dwelling. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit a portion of the existing fence having a maximum height of 2.33m (7.64 ft.) whereas the by-law permits a fence to a maximum height of 2.0m (6.6 ft.). The intent of the by-law in regulating maximum fence height is to avoid creating a fortress-like feel on residential properties. This variance relates only to a portion of the fence and it is not the intention of the property owner to extend this increased height to any other portion of the fence. Given the limited scope of the portion of fence with increased height, it does not create a fortress-like appearance for the property. A condition of approval is recommended that the variances be limited to the sketch attached to the public notice to ensure that the fence is not raised in any other location. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are to permit one existing storage shed and one proposed storage shed, the combined floor area of which exceeds the maximum floor area permitted for a residential property.

The proposed shed is intended to be used for additional storage for the primary dwelling, including a lawn mower tractor. Staff note that while an overhead door is proposed for the front of the structure, there is no paved or gravel area leading to the door that would permit the structure to be used as a garage. A condition of approval is recommended that the structure not be used as a garage as defined by the Zoning By-law to ensure the structure is not used as a garage. This is recommended as the property is located within the Mature Neighbourhood Area which requires that a Site Plan Application be submitted for any sized detached garage, however as this structure is considered to be a shed, a Site Plan Application is not required. The combined floor areas of the two structures will not negatively impact the provision of outdoor space for the residential dwelling. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

Variance 3 is to permit a limited portion of the fence that exceeds the maximum permitted fence height. The increased height is due to incorporated landscaping features. It is not the intention of the property owner to raise the height of the fence in other locations, and the raised portion does not negatively impact the subject property or the adjacent property. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variances 1 and 2 are requested to permit 2 accessory structures in the rear yard to provide ancillary storage for the residential dwelling. The combined floor area of the structures does not detract from the provision of outdoor space or dominate the rear yard. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Variance 3 is to permit an existing, limited portion of the fence to exceed the permitted maximum fence height by 0.33m (1.08 ft). This portion of the fence is not imposing upon the outdoor area for either the subject property or the adjacent property. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the public notice to ensure that the raised portion of the fence remains limited. Subject to the recommended conditions of approval, Variance 3 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development