

Filing Date: February 10, 2021

Hearing Date: March 9, 2021

File: A-2021-0027

**Owner/
Applicant:** NINA ASENSIO & JOE ASENSIO

Address: 125 Elizabeth Street South

Ward: 3

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0027 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 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 an accessory structure (covered patio) having a gross floor area of 29.18 sq. m (314.09 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 an accessory structure (covered patio) having a maximum height of 3.60m (11.81 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 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 Residential designation supports the current use and the variance is not expected to have any significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintain the general purpose and 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.

Variance 1 is requested to permit an accessory structure (covered patio) having a gross floor area of 29.18 sq. m (314.09 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. The intent of the by-law in requiring a maximum gross floor area for an accessory structure is to ensure that adequate amenity space is provided in the rear yard so that the accessory structure will not obstruct the usability of the yard. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit an accessory structure (covered patio) having a maximum height of 3.60m (11.81 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.). 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. This increase in height is not anticipated to have a significant impact on the overall massing of the accessory structure. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate an accessory structure (covered patio) having a gross floor area of 29.18 sq. m (314.09 sq. ft.) and a maximum height of 3.60m (11.81 ft.) in the rear yard of the residential property. The increased height of the structure is not anticipated to have significant impacts on the overall massing of the structure and the increased floor area is not anticipated to detract from the outdoor amenity space.

Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances related to a proposed covered patio in the rear yard are not anticipated to have negative impacts on the overall provision of amenity space for the property or massing impacts on adjacent properties. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

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Planner I