

Filing Date: 02-Mar-2021

Hearing Date: 30-Mar-2021

File: A-2021-0042

Owner/

Applicant: Donna Smith, Jeremy Smith and Eve-Lynn Smith /John Vanderwoerd

Address: 40 INGLEWOOD DR, BRAMPTON, ON L6W2N2

Ward: 3

Contact: Kelly Henderson, Development Planner

Recommendations:

That application A-2021-0042 is supportable, subject to the following conditions being imposed:

1. That that extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That drainage on adjacent properties shall not be adversely affected;
 3. That roof drainage from the accessory structure shall flow onto the applicant's property;
 4. That the applicant obtain a building permit for the existing side yard addition 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;
 5. That the applicant remove the gazebo and play structure within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Director of Development Services; and,
 6. 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 (R1B)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit an interior side yard setback of 1.26 m (4.14 ft.) to a proposed second storey addition whereas the by-law requires a minimum setback of 1.8 m (5.91 ft.) to the second storey;
2. To permit an existing building addition (labeled as storage shed) in the interior side yard having a setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum interior side yard width of 1.8 m (5.91 ft.);
3. To permit an existing accessory structure (tool shed) having a setback of 0.076 m (0.25 ft.) to the side lot line whereas the by-law requires a minimum setback of 0.60 m (1.97 ft.) to all lot lines; and,
4. To permit an existing fence (privacy screen on patio) having a height of 2.13m (6.99 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.)

Current Situation:**1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). The residential designation supports the current use and the variance is not expected to have significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variances, subject to the recommended conditions of approval, are considered to 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 (R1B)', according to By-law 270-2004, as amended, which permits single detached dwellings, group home type 1, an auxiliary group home, a place of worship and accessory uses.

Variance 1 is to permit an interior side yard setback of 1.26 m (4.14 ft.) to a proposed second storey addition whereas the by-law requires a minimum setback of 1.8 m (5.91 ft.) to the second storey. The intent of the by-law in regulating the required interior side yard setback to a second storey addition is to ensure that sufficient distance is maintained between dwellings, and that the massing of the second storey does not impose upon the adjacent property. In the case of the subject property, there is sufficient spatial separation and the proposed addition matches the existing first floor setback. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit an existing building addition (labeled as storage shed) in the interior side yard having a setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum interior side yard width of 1.8 m (5.91 ft.) and Variance 3 is to permit an existing accessory structure (tool shed) having a setback of 0.076 m (0.25 ft.) to the side lot line whereas the by-law requires a minimum setback of 0.60m (1.97 ft.) to all lot lines. The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage. In terms of variance 2 the accessory structure is technically an existing building addition, which only applies to a small portion of the yard. The proposed reduction is not anticipated to impact drainage for the subject property or adjacent properties. Staff are of the opinion that subject to the recommended conditions, there is sufficient spatial separation between the proposed addition and the adjacent property, as well to the accessory building and the side lot line. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

Variance 4 is To permit an existing fence (privacy screen on patio) having a height of 2.13m (6.99 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.). The intent of the by-law in regulating maximum fence height is to void creating a fortress-like feel on residential properties. The variance relates only to a portion of the fence and it is not the intention of the property owner to extend this increase in height to any other portion of the fence. Given the limited scope of the portion of the fence with increase height, for privacy matters, it does not create a fortress-like appearance for the property.

As a condition of approval it is recommended that the variances be limited to the sketch attached to the notice of decision in order to ensure that the addition is in line with the first storey of the dwelling, that the accessory structure is within the proposed location to ensure sufficient spatial separation, and that the fence is not raised in any other location.

As a condition of approval it is recommended that the gazebo and play structure be removed from the subject property. This is because they are considered accessory structures and are required to be calculated in the total number of accessory structures. City Staff have spoken with the applicant, and the applicant was willing to remove these structures.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed variance 1 is requested to permit a reduced side yard setback to a proposed second storey addition. The requested setback is reflective of the setback of the main floor of the dwelling and is not anticipated to create negative impacts on the side yard space. Subject to the recommended conditions of approval, the proposed variance is considered to be desirable for the appropriate development of the land.

Variance 2 and 3 relate to existing accessory structures/building addition and their setbacks to their respective side yard lot lines. The sheds are existing and it is not anticipated that drainage will be negatively impacted by the locations of the sheds. A condition of approval is recommended that drainage on adjacent properties not be negatively impacted by the structures to ensure this is maintained. Subject to the recommended conditions of approval, Variances 2 and 3 are considered to be desirable for the appropriate development of the land.

Variance 4 is to permit a limited portion of the fence that exceeds the maximum permitted fence height. The increased height is for increased privacy. 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 4 is considered to be desirable for the appropriate development of the land

4. Minor in Nature

Variance 1 is intended to facilitate second storey addition that will have a setback consistent with the first storey of the dwelling and represents a reduction in setback of 0.54 m (1.7 ft.). Subject to the recommended conditions of approval, the proposed variance is considered to be minor in nature.

Variance 2 and 3 are not anticipated to negatively impact the subject property or adjacent properties given that the accessory structures and addition are located behind a fence enclosing the rear yard amenity area. The existing setbacks provides sufficient room for drainage from the structures. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Variance 4 is to permit an existing, limited portion of the fence to exceed the permitted maximum fence height by 0.13m (0.43 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 notice of decision to ensure that the raised portion of the fence remains limited. Subject to the recommended conditions of approval, Variance 4 is considered to be minor in nature.

Respectfully Submitted,

K Henderson

Kelly Henderson, Development Planner