

Filing Date: April 14, 2021

Hearing Date: May 11^h, 2021

File: A-2021-0094

**Owner/
Applicant:** **JEAN AND JUERGEN ROTSCVH**

Address: **142 Royal Palm Drive**

Ward: 2

Contact: Xinyue (Jenny) Li, Planner 1

Recommendations:

That application A-2021-0094 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 roof drainage from the accessory structures shall flow onto the applicant's property;
3. That drainage on adjacent properties shall not be adversely affected;
4. Although an archaeological assessment is not required by the City of Brampton, the applicant is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the applicant should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services;
5. The applicant acquires a TRCA permit pursuant to Ontario Regulation 166/06 for the shed;

6. The applicant submits \$580 review fee to TRCA;
 7. 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 Single Detached R1C (1), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (proposed solarium) having a gross floor area of 19.8 sq. m (213.13 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 2 accessory structures (proposed solarium and existing shed) having a combined total gross floor area of 26.8 sq. m (288.47 sq. ft.) whereas the by-law permits 2 accessory structures having a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
3. To permit an accessory structure (proposed solarium) having a building height of 3.19 ft. (10.47 ft.) whereas the bylaw permits a maximum building height of 3.0m (9.84 ft.) for an accessory structure.

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 Snelgrove-Heart lake secondary plan (Area 1). The requested variances are not considered to have significant impacts 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 R1C (1), according to By-law 270-2004, as amended. Variances 1, 2 and 3 are being requested in regards to the size and number of the existing accessory buildings on the property.

Variance 1 is to permit a 19.8 m² accessory structure (proposed solarium) whereas the by-law limits the size of an individual accessory structure to 15 m². Variance 2 is to permit two accessory structures (the proposed solarium and an existing shed) with a combined area of 26.8 m² whereas the bylaw permits two accessory structures with a maximum combined area of 20 m². Variance 3 is to permit an accessory structure (proposed solarium) with a height of 3.19m whereas the bylaw permits a maximum accessory structure height of 3.0m.

The intent of the by-law in regulating the size and number of accessory buildings is to ensure that the property is not dominated by structures and provide adequate outdoor amenity space for the residential dwelling. The solarium will be located on top of the existing deck and will not be taking up extra spaces and it will be utilized as part of the amenity space in the rear yard. The storage shed located at the northeast corner of the property's rear yard is only 7m². Based on the large size of the property's rear yard, the increase in accessory structure area does not negatively impact availability of outdoor amenity space.

The intent of the by-law in regulating the maximum permitted size of an accessory structures is to ensure that the structures remain ancillary to the primary residential dwelling. The proposed solarium will be used for leisure activity in the rear yard and remain ancillary to the primary residential dwelling. 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 proposed height of the solarium being 0.19m higher than what the by-law permits, therefore the massing is not expected to negatively impact the adjacent properties. It is important to note that the proposed solarium structure will require a building permit.

Subject to the recommended conditions of approval, variances 1, 2 and 3 are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is to permit a 19.8 m² accessory structure (proposed solarium) whereas the by-law limits the size of an individual accessory structure to 15 m². Given the large size of the property's rear yard the increased floor area of the accessory structure (proposed solarium) is appropriately proportioned to the property on the existing deck. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is to permit two accessory structures (the proposed solarium and an existing shed) with a combined area of 26.8 m² whereas the bylaw permits two accessory structures with a maximum combined area of 20 m². The proposed solarium is intended to be used for leisure activity in the rear yard. The storage shed is intended to be used for storage of items related to the residential use of the property. Conditions of approval are recommended that drainage from the roof of the accessory structure does not negatively impact surrounding properties. Subject to the recommended conditions of

approval, Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is to permit an accessory structure (proposed solarium) with a height of 3.19m whereas the bylaw permits a maximum accessory structure height of 3.0m. The proposed increase in height of the accessory structure (proposed solarium) is not expected to have a negative massing impacts on adjacent properties. The structure will remain ancillary to the residential dwelling and provide the amenity space for leisure activity in the rear yard. 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

Variance 1 is to permit a 19.8 m² accessory structure (proposed solarium) whereas the by-law limits the size of an individual accessory structure to 15 m². The proposed solarium will be used for leisure activity in the rear yard, the increase in floor area to the accessory structure will not reduce the area of the outdoor amenity space and is considered to be appropriate relative to the size of the property. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 2 is to permit two accessory structures (the proposed solarium and an existing shed) with a combined area of 26.8 m² whereas the bylaw permits two accessory structures with a maximum combined area of 20 m². Based on the large size of the property's rear yard, the increase in accessory structure area would not negatively impact availability of outdoor amenity space. Both structures will remain ancillary to the main dwelling unit. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Variance 3 is to permit an accessory structure (proposed solarium) with a height of 3.19m whereas the bylaw permits a maximum accessory structure height of 3.0m. The increase in height of 0.19m of the accessory structure is not anticipated to have a negative massing impacts on adjacent properties. Subject to the recommended conditions of approval, Variance 3 is considered to the minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Xinyue' or 'Jenny', with a stylized flourish at the end.

Xinyue (Jenny) Li,
Planner I, Development Services