



## Report Committee of Adjustment

**Filing Date:** August 17, 2021

**Hearing Date:** September 14, 2021

**File:** A-2021-0193

**Owner/  
Applicant:** 9517103 CANADA INC., ROSEMARY AND NORMAND LAMOUREUX

**Address:** 56-62 Elizabeth Street South

**Ward:** WARD 3

**Contact:** François Hémon-Morneau, Planner I

---

### **Recommendations:**

That application A-2021-0193 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner shall obtain a building permit for the creation of the additional dwelling units within 90 days of the decision of approval or within an extended period as approved by the Chief Building Official;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

---

### **Background:**

#### Requested Permission(s):

The applicant is requesting the following:

1. To permit two (2) additional residential units in an existing legal non-conforming 4-plex resulting in a 6-unit dwelling whereas a 4-unit dwelling is an existing legal non-conforming use.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing accessory structure (shed) having a setback of 0.38m (1.25 ft) to the side lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines for an accessory structure.

#### **Current Situation:**

##### Official Plan:

The property is designated 'Central Area' in the Official Plan and Low Density Residential' in the Downtown Brampton Secondary Plan (Area 7).

##### Existing Zoning:

The property is zoned 'Residential Single Detached (R1B)', according to By-law 270-2004, as amended. This zone permits a single detached dwelling, a group home type 1, an auxiliary group home, a place of worship and purposes accessory to the other permitted purposes.

##### Legal Non-Conforming 4-unit Dwelling:

A determination has been made that a 4-unit dwelling is a Legal Non-Conforming use on the property.

#### **Discussion and Evaluation – Expansion of the Legal Non-conforming Use**

##### Request to Permit a Similar Use:

The Committee of Adjustment's authority in making a determination on a similar use is set out in the Other Powers or Special Permission section of the Committee of Adjustment in the Planning Act (Section 45 (2)(a)(ii)). When a use of land is determined to be legal non-conforming (in this case, a 4 unit dwelling), the Committee has the authority to permit an expansion of that use.

Within the City's Official Plan, Section 5.18 provides policies under which an expansion to a legal non-conforming use may be permitted in specific situations to avoid undue hardship. These matters may be considered by the Committee of Adjustment. Section 5.18.4 of the Official Plan provides criteria to be considered for an expansion of legal non-conforming use. The application is considered to meet these criteria as, outlined in the table in Schedule A.

#### **Conclusion**

Staff have reviewed the proposal in accordance with the criteria set out in Section 5.18.4 of the Official Plan (Schedule "A" attached to this report) and determine to be appropriate from a land use perspective.

#### **Minor Variance – Accessory Building Setback**

##### 1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Central Area' in the Official Plan and Low Density Residential' in the Downtown Brampton Secondary Plan (Area 7). The nature and extent of the requested variance does not impact Official Plan policy. The variance maintains the general intent and purpose of the Official Plan.

## 2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit an existing accessory structure (shed) having a setback of 0.38m (1.25 ft.) to the side lot line whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines for an accessory structure. The intent in the by-law in requiring minimum setbacks from the lot lines for accessory structures is to ensure that there is adequate space to maintain the structure and to ensure that there is sufficient space provided for drainage.

In this case, the requested setback reduction is nominally low, and therefore there is still adequate space provided to maintain the structure. Furthermore, the shed has a small footprint, and therefore does not significantly contribute to drainage impacts. As a result, the general intent and purpose of the Zoning By-law is maintained.

## 3. Desirable for the Appropriate Development of the Land

The requested variance relates to an existing accessory structure (shed) situated at the rear corner of the property. The reduction to the minimum setbacks for the structure is not considered to negatively impact the property or adjacent properties. The variance is desirable for the appropriate development of the land.

## 4. Minor in Nature

The proposed variance is not anticipated to negatively impact the subject property or adjacent properties given the location, size, and height of the accessory structure. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner I



**SCHEDULE "A"**

**CRITERIA TO BE CONSIDERED UNDER SECTION 5.18.4 OF THE OFFICIAL PLAN**

<b>CRITERIA TO BE CONSIDERED</b>	<b>ANALYSIS</b>
a) The proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use;	The proposed expansion to a 6-unit dwelling from a 4-unit dwelling will not unduly aggravate the existing situation.
b) The proposed extension or enlargement represents a reasonable increase in the size of the non-conforming use;	The proposed expansion of the use will not require any physical enlargement of the existing structure.
c) The characteristics of the existing non-conforming use and the proposed extension or enlargement will be examined with regard to impacts from noise, vibration, fumes, smoke, dust, odour, lighting, and traffic generation;	The characteristics of the proposed 6-unit dwelling presents no concerns with regards to possible negative impacts.
d) The host neighbourhood and adjacent uses will be afforded reasonable protection by the provision of landscaping, buffering or screening; appropriate setbacks for buildings and structures; and devices and measures for reducing nuisances;	The propose 6-unit dwelling is not anticipated to have any increased impacts on adjacent uses or the host neighbourhood.
e) Adequate provisions will be made for off-street parking and loading facilities;	Sufficient area is provided for parking at the rear of the property.
f) All municipal services such as water, sewage and roads are and will continue to be adequate, and,	Sufficient services continue to be provided for the proposed use and no changes are required.
g) The application is referred to municipal departments and other appropriate agencies which may be concerned or affected for information reports on relevant considerations before making a decision.	The application has been reviewed by all relevant departments and agencies through the course of this review.