

Filing Date: September 2, 2020
Hearing Date: September 29, 2020

File: A-2020-0081

**Owner/
Applicant:** **MATTHEW SAMATAS**

Address: **86 West Street**

Ward: 1

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0081 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 height of the existing open, roofed porch in the rear yard shall not exceed the height of the main level of the dwelling;
 3. That the drainage from the open, roofed structure and all accessory structures be directed onto the subject property and drainage on adjacent properties not be adversely impacted; and
 4. That failure to comply with and maintain any condition of the Committee will render the variances null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Extended One Zoned (R2B (1))' according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing fence (privacy screen on deck) having a maximum height of 2.74m (9.00 ft.) whereas the by-law permits a maximum fence height of 2.0m (6.56 ft.);
2. To permit an existing accessory structure (wood shed) having a side yard setback of 0.381m (1.25 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to all property lines;
3. To permit an existing accessory structure (metal shed) having a side yard setback of 0.381m (1.25 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) for an accessory structure to all property lines;
4. To permit four (4) existing accessory structures (2 sheds, a play structure and a converted garage) having a combined area of 36.37 sq. m (391.48 sq. ft.) whereas the by-law permits a maximum of two (2) accessory structures with a combined area of 20 sq. m (215.28 sq. ft.);
5. To permit an existing accessory structure (converted garage) having an area of 22.48 sq. m (241.98 sq. ft.) whereas the by-law permits a maximum area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Central Area' in the Official Plan' and 'Medium Density Residential' by the Downtown Brampton Secondary Plan (Area 7). Policy 5.2.3.2 within the Secondary Plan provides that "The retention and conversion of existing homes is to be encouraged." The requested variances are consistent with the objectives of this section in that they contribute positively to the retention of the home. 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 Extended One Zone (R2B (1))', according to By-law 270-2004, as amended.

Variance 1 is in regard to fence height and is required to facilitate the "privacy screen" located on the raised deck. The intent of regulating the maximum height of a fence in a residential neighborhood is to ensure that adjacent properties are not adversely impacted by a canyon-like effect along lot lines and that sightlines are not negatively

impacted. In this case, the increased fence height is not located along the property line but rather on an elevated deck that is consistent with the setbacks of the existing dwelling, and the additional height is not anticipated to impose upon the adjacent property. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 and 3 are in regard to setbacks of existing accessory (shed) buildings. The applicant is requesting a minimum side yard setback for an accessory building of 0.381 m (1.25 ft.), whereas the By-law requires 0.6 m (1.97 ft.), to be applied to both existing accessory sheds. The intent of the by-law in regulating the minimum required side yard setback for accessory structures is to ensure sufficient room is provided for drainage, and that adjacent properties are not impacted by potential runoff from accessory structures. The accessory structures are existing and do not appear to be directing runoff onto the adjacent properties. Additionally a condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions of approval, Variances 2 and 3 are considered to maintain the general intent of the Zoning By-law.

Variance 4 and 5 are being requested in regard to the size and number of the existing accessory buildings on the property. Variance 4 is required to permit four (4) existing accessory structures (2 sheds, a play structure and a converted garage) having a combined area of 36.37 sq. m (391.48 sq. ft.) whereas the by-law permits a maximum of two (2) accessory structures with a combined area of 20 sq. m (215.28 sq. ft.).

Variance 5 is required to permit an existing accessory structure (converted garage) having an area of 22.48 sq. m (241.98 sq. ft.) whereas the by-law permits a maximum area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure. This requested variance is in regard to a structure that was previously constructed as a detached garage but has since been converted to a storage building.

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 adequate outdoor space is provided for the residential dwelling. Despite the increase in accessory building size, outdoor amenity space is not negatively impacted by the structures and they provide ancillary storage for the property. Subject to the recommended conditions of approval, Variances 4 and 5 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 an increased height in fence and is required in regard to a "privacy screen" fence located on the existing raised deck, not the fence along the property line. This fence is located on the raised deck and compliments the outdoor space by providing privacy from the adjacent properties. A condition of approval is recommended that the extent of the variances be limited to the extent shown on the sketch attached to the public notice to ensure that no other fences on the property are increased to this height. Subject to the recommended conditions of approval, the

requested variance is considered to be maintained.

Variance 2 and 3 relate to existing accessory structures 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 relates to the number of accessory buildings on the subject property. The number of accessory structures do not detract from the provision of outdoor amenity space for the property and provide additional storage for the primary residential dwelling. Subject to the recommended conditions of approval, Variance 4 is considered to be desirable for the appropriate development of the land.

Variance 5 relates to a structure that was previously constructed as a detached garage but has since been converted to a storage building. As a detached garage, the structure would comply with zoning standards, however as it has been converted (e.g. the garage door is removed and it is not used to store vehicles). The size of the structure does not detract from the provision of outdoor amenity space and a condition of approval is recommended that the variances only be approved to the extent shown on the public notice to ensure it remains in situ. Subject to the recommended conditions of approval, Variance 5 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is requested to permit an increase in fence height that is related to a "privacy fence" on an elevated deck. The fence will not impede upon sight lines for adjacent properties and contribute to the privacy of the outdoor amenity space. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variances 2 and 3 are in regard to the setback of two accessory buildings (sheds) to the side lot line. The existing setbacks of 0.381m (1.25 ft.) provides sufficient room for drainage from the structures. Subject to the recommended conditions of approval Variances 2 and 3 are considered to be minor in nature.

Variance 4 is to permit an increased number of accessory structures (4) on the subject property that are existing in the rear yard. The structures do not overwhelm the amenity space and contribute positively to the primary residential function of the dwelling. Subject to the recommended conditions of approval, Variance 4 is considered to be minor in nature.

Variance 5 is to permit an oversized accessory structure as the detached garage on the property was converted into an accessory shed. The size and location of the former garage do not detract from the outdoor amenity space. Subject to the recommended

conditions of approval, Variance 5 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development