

Filing Date: 07-April-2021

Hearing Date: 20-April-2021

File: A-2021-0058

**Owner/
Applicant:** Alankar Lavatre (c/o Najeeb & Amina Sumrani)

Address: 19 Saddleback Square, Brampton, Ont

Ward: 5

Contact: Rob Nykyforchyn, Planner 3, Development Services

Recommendations:

That application A-2021-0058 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 Notice of Decision;
 2. That roof drainage from the accessory structure shall not adversely impact adjacent lands;
 3. That the below grade entrance shall not be used to access an unregistered second unit;
 4. That the fence remain constructed in its current location and height and shall not be removed or lowered;
 5. That a building permit for the building addition shall be obtained within 60 days from the date of the decision, or within an extended period of time at the discretion of the Chief Building Official; 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 Street Townhouse', Section 827 (R3B-827), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance:

1. To permit an accessory structure (shed) to be located exterior side yard, whereas the by-law does not permit an accessory structure to be located in the exterior side yard.
2. To permit an accessory structure (shed) to have a rear yard setback of 0.5m, whereas the by-law requires a minimum rear yard setback of 0.6m to an accessory structure.

3. To permit a rear yard setback of 4.37m to an existing building addition, whereas the by-law requires a minimum rear yard setback of 6.0m to a building addition.
4. To permit a lot coverage of 51.4% whereas the by-law only allows a maximum lot coverage of 45%.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated 'Residential' in the Official Plan and 'Residential: Medium Density' in the Fletchers Creek Village Secondary Plan (Area #43). 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 maintains the general intent and purpose of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned 'Residential Street Townhouse – Section 827 (R3B-827)', according to By-law 270-2004, as amended.

Variances #1 and #2 are to permit the existing accessory structure to remain in the exterior side yard and having a rear yard setback of 0.5 metres, whereas the by-law does not permit an accessory structure to be located in the exterior side yard, and requires a minimum rear yard setback of 0.6 metres. The intent of the by-law is to ensure that accessory structures are appropriately located in a rear yard such that roof drainage does not pose a problem to the neighbouring properties, and that their visibility on corner lots is reduced from street view. It is noted that the shed roof is peaked, such that water will drain to the left and right of the shed as opposed to the rear. Accordingly, given that the existing metal shed is small in area and in height and is screened by the fence, the proposed location will not pose a drainage problem nor a visibility problem from the street. To ensure that the shed remains screened, it is recommended that the fence remain constructed in its current location and not be lowered.

Variance #3 is to allow the existing one storey building addition to have a rear yard setback of 4.37 metres, whereas the by-law requires a minimum setback of 6.0 metres. It is noted that a below grade permit was issued by the City back in 2009. The applicant has since constructed a one storey addition with roof to cover these stairs. The intent of the by-law is to ensure that the rear yard is of a sufficient size to allow for outdoor amenity and to provide proper setbacks to avoid unwanted building massing. Staff is satisfied that the location and height of the building addition is of a scale that will not be imposing on the neighbouring residents and will continue to allow for sufficient on-site amenity, provided that the limits of the structure is limited to only that which is shown on the application sketch.

Variance #4 is to allow a lot coverage of 51.4%, whereas the by-law only allows a maximum lot coverage of 45%. The intent is to ensure that the property is not over developed and can provide sufficient on-site rear yard amenity area. The additional amount and location of the building construction can be accommodated on this corner lot.

Subject to the conditions being proposed, the requested variances are considered to maintain the general intent of the Zoning by-law.

3. Desirable for the Appropriate Development of the Land

The location and size of the existing accessory structure (shed) is not considered to be problematic in its current location given its small size. To ensure that roof drainage and views of the shed are restricted, it is recommended that conditions be imposed to limit the size and location of the shed as per the applicant's sketch, and to acknowledge that roof drainage shall not adversely impact the neighbouring property.

The one storey building addition is setback about 3.0 metres from the interior side yard of this semi-detached dwelling. The size and scale of this building addition is not considered to be excessive in the rear yard. The applicant will be required to secure a building permit for the proposed addition within 60 days from the date of the decision. Given that the applicant will need to secure a permit from the Building Division for a second unit, a condition is recommended to be imposed to advise that a below grade entrance shall not be used to access an unregistered second unit.

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

4. Minor in Nature

The small shed and the building addition can be properly accommodated within this large rear yard area of this corner lot, and will not adversely impact the neighbouring residents. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Rob Nykyforchyn

Robert W. Nykyforchyn, RPP, MCIP
Planner 3, Development Services Division