



Report Committee of Adjustment

Filing Date: December 8, 2022

Hearing Date: January 24, 2023

File: A-2023-0013

**Owner/
Applicant:** CATHERINE MCMALLUM

Address: 132 Elizabeth Street South

Ward: WARD 3

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0013 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached A (R1A)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (proposed shed) having a gross floor area of 23.8 sq. m (256.20 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 an accessory structure (proposed shed) having a height of 3.2m (10.50 ft.), whereas the by-law permits a maximum height of 3.0m (9.84 ft.).

Current Situation:

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

The subject lands are designated 'Central Area' in Schedule A of the Official Plan and 'Low Density Residential' in the Downtown Brampton Secondary Plan (Area 7). The requested variances are not anticipated to have any significant impacts in the context of the Official Plan and Secondary Plan policies, and are considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Residential Single Detached A' (R1A), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an accessory structure (shed) having a gross floor area of 23.78 sq. m (255.97 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. The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure is to ensure that the property is not dominated by structures, and they do not negatively impact the provision of outdoor amenity space or adjacent properties.

The accessory structure is intended to enhance the outdoor amenity space in the rear yard and to provide enclosed storage. While the size of the shed is 8.78 sq. m (94.51 sq. ft.) larger than what the by-law permits, the large property size prevents the rear yard from being dominated by the accessory structures, and the accessory structures is not considered to negatively impact the provision of outdoor amenity space for the property. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a building height of 3.2m (10.50 ft.) for an accessory structure whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure. 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 variance is seeking an additional 0.2m (0.66 ft.) for the accessory structure which is not anticipated to have negative massing impacts. The accessory structure is proposed to be located on the northeastern corner of the property which abuts the driveway to 128 Elizabeth Street South. The location of the structure relative to the property lines ensures that the increase in height will not generate adverse impacts as it maintains minimum setback requirements. The variance is not anticipated to cause any adverse impacts related to privacy and shadowing of neighbouring properties. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to facilitate the construction of a shed located in the rear yard of the property. There is sufficient separation between the proposed shed and the adjacent properties as the accessory structure maintains the setbacks as set out in the Zoning By-law. Given the size of

the rear yard, the shed is not anticipated to limit the overall provision of amenity space or cause negative visual impacts as it will be screened from the neighbouring property by fencing and the tree line along the rear lot line. As a result, no negative impacts are anticipated on-site or off-site. Variances 1 and 2 are deemed desirable for the appropriate development of the land.

4. Minor in Nature

The subject lands are located within a residential area, due to the size and conditions of the property, the proposed accessory structure is not anticipated to detract from outdoor amenity space or create adverse impacts on-site or off-site as adequate distance will be maintained from the shed to adjacent properties. The rear yard provides ample screening through existing landscaping and trees and therefore the location and scale of the accessory structure does not generate privacy or shadowing impacts. A condition of approval is that the extent of the variances be limited to that shown on the sketch, ensuring the size and height of the shed be limited and remain in the same place as currently contemplated, this will ensure that the shed remains accessory to the primary residential dwelling. Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Assistant Development Planner

Appendix A – Existing Site Conditions

