



## Report Committee of Adjustment

**Filing Date:** January 31<sup>st</sup>, 2023

**Hearing Date:** March 7<sup>th</sup>, 2023

**File:** A-2023-0030

**Owner/  
Applicant:** AARON FOX & PRAGASHINI FOX

**Address:** 19 TRELEAVEN DRIVE

**Ward:** WARD 3

**Contact:** Samantha Dela Pena, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0030 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; and
  2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

A minor variance application (A-2008-0119) was previously submitted to permit the demolition of the existing garage and construct a 35.67 sqm. (384 sqft.) detached garage in the rear yard, whereas the by-law allows a detached garage at a maximum size of 24.0 sqm. (258.34 sqft.). The application was approved by the Committee of Adjustment on August 5<sup>th</sup>, 2008 (see Appendix A).

### Existing Zoning:

The property is zoned 'Residential Single Detached B Special Section 3057 (R1B-3057)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed accessory structure (home office/ home gym) having a gross floor area of 34.2 sq. m (368.13 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 a combined gross floor area of 40.23 sq. m (430.03 sq. ft.) for two accessory structures (proposed home office/ home gym and an existing shed) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.); and
3. To permit an existing accessory structure (shed) having a setback of 0.53m (1.74 ft.) to the side lot line whereas the by-law requires a minimum setback of 2.4m (7.87 ft.) to the side lot line for an accessory structure.

#### **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and further designated 'Low Density Residential' in the Brampton Flowertown Secondary Plan (Area 6). 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 and purpose of the Official Plan.

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

Variance 1 is requested to permit a gross floor area of 34.2 sq. m. (368.13 sq. ft.) for a single accessory structure, whereas the by-law permits a maximum of 15.0 sq. m. (161.46 sq. ft.) gross floor area for a single accessory structure. Variance 2 is requested to permit a combined gross floor area of 40.23 sq. m (430.03 sq. ft.) for two accessory structures (proposed home office/ home gym and an existing shed) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.). The intent of the by-law in regulating the maximum permitted floor area of an accessory structure is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property.

As per review of the submitted concept plan and site visit conducted by Staff (see Appendix B), Staff are of the opinion that the remaining 531.69 sq. m. (5723 sq. ft.) of proposed rear yard landscaping/softscaping maintains a sufficient outdoor amenity space area, despite the exceeding gross floor area requirements of both proposed accessory structures.

Variance 3 is requested to permit an existing accessory structure (shed) having a setback of 0.53m (1.74 ft.) to the side lot line whereas the by-law requires a minimum setback of 2.4m (7.87 ft.) to the side lot line for an accessory structure. The intent of the by-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained for drainage and access for maintenance to the shed. Through review of the requested variance, City engineering staff confirmed that the reduced setback from the existing addition (shed) provides sufficient space for drainage. Moreover, as per review of the submitted site plan, access for maintenance to the shed is provided through an 8.64m (29.0 ft) distance from the existing garage.

Subject to the recommended conditions of approval, the variances maintain the general intent and purpose of the by-law.

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

Variances 1 and 2 are seeking to permit proposed site conditions for increased maximum gross floor area requirements of two (2) proposed accessory structures. While full gross floor area requirements of the Zoning By-law are not maintained, Staff are satisfied that sufficient rear yard area for both landscaping and outdoor amenity area purposes are maintained. As the accessory structures are proposed to be located on the eastern portion of the property abutting the existing garage, the remaining western portion of the property maintains a sufficient outdoor amenity space area for the property. Furthermore, the proposed accessory structures are intended to be used as indoor amenity spaces (i.e., a gym and home office). As such, servicing (water/wastewater) is not required nor proposed for either of the accessory structures.

Variance 3 is requested to permit existing site conditions for reduced setbacks to an accessory structure (shed). While full setback requirements of the Zoning By-law are not maintained, Staff are satisfied that sufficient rear yard area for both landscaping and outdoor amenity space on the property are maintained. Furthermore, as the property includes high shrub/hedge fencing along the rear property line (see Appendix B), the existing the existing accessory structure (shed) is screened in a manner that does not negatively impact adjacent properties.

Subject to the recommended conditions of approval, Variances 1, 2 and 3 are considered desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variances to permit proposed site conditions for two (2) proposed accessory structures and existing site conditions for an accessory structure (shed) is considered by Staff to maintain a sufficient landscaping, drainage, and amenity area within the rear yard. Furthermore, as the property includes high shrub/hedge fencing along the rear property line (see Appendix B), Staff are of the opinion that both the proposed accessory structures and existing accessory structure (shed) has no negative impact on adjacent properties. As such, the requested variances are deemed minor in nature.

Subject to the recommended conditions of approval, the variances requested are considered minor in nature.

Respectfully Submitted,



Samantha Dela Pena, Assistant Development Planner

### STAFF PLANNING REPORT

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APPLICATION NUMBER:	A08-119	DATE:	July 24, 2008
APPLICANT'S NAME:	Aaron & Pragashini Fox	HEARING:	August 5, 2008
MUNICIPAL ADDRESS:	19 Treleven Drive	WARD:	4

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### BACKGROUND INFORMATION

#### Existing Zoning:

The subject lands are zoned *Residential One B – Section 3057 (R1B-3057)*, according to By-law 270-2004, as amended.

#### Requested Variance:

The applicants are proposing to demolish the existing garage and construct a 35.67 sq.m (384 sq.ft.) detached garage in the rear yard; whereas the by-law allows a detached garage at a maximum size of 24.0 sq.m (258.34 sq.ft.)

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### CONSOLIDATED STAFF REPORT

#### 1. Conforms to the Intent of the Official Plan

The subject property is designated 'Central Area' in the 2006 Official Plan, 'Residential' in the 1993 Official Plan and 'Low Density Residential' in the Brampton South Secondary Plan Area 16. The requested variance has no impact on Official Plan policies.

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

The by-law restricts the size of detached garages to ensure the provision of adequate amenity space. In this case, the rear yard can accommodate the increase while providing more than adequate amenity space. All other aspects of the by-law are met including height and setbacks. The intent of the by-law is maintained.

3. Desirable for the Appropriate Development of the Land

Detached garages are characteristic of the subject neighbourhood. The lot can adequately accommodate the size increase and all setbacks are maintained. The proposed garage is desirable for the appropriate development of the land.

4. Minor in Nature

No negative impacts are anticipated. Subject to the approval of building materials and the exterior elevation, the proposal is minor in nature.

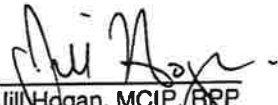
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**STAFF RECOMMENDATION TO COMMITTEE OF ADJUSTMENT**

That application A08-119 is supportable, subject to the following condition being imposed:

- (1) That the Commissioner of Planning, Design and Development approve the elevation drawing and building materials for the proposed garage.
- (2) That drainage on adjacent properties is not adversely affected.
- (3) Drainage from the proposed garage roof must flow onto the applicant's property.
- (4) A minimum of 0.6m (2ft.) shall be provided for drainage purposes, between the sideyard property line and the edge of the driveway extension.

Respectfully Submitted,

  
Jill Hogan, MCIP, RPP  
Development Planner

RECEIVED  
CLERK'S DEPT.

JUL 31 2008

July 31, 2008

REG. NO.:  
FILE No.:

City of Brampton  
2 Wellington Street West  
Brampton, ON L6Y 4R2

Attention: Eileen Collie, Secretary-Treasurer  
Committee of Adjustment

Re: **Agenda – August 5, 2008**  
**Recommendations of the Transportation Division**  
**Department of Environment, Transportation and Planning Services**  
**Region of Peel**

We have no comments on the following applications:

A08-104, A08-114, A08-113, A08-117, A08-119, A08-120, A08-121, A08-124, A08-125, A08-127, A08-128, A08-129, B08-040 and B08-042

We have no comment to the following deferred application:

A08-092

Please note the comments on the following applications:

**A08-115 SITQ Brampton Inc.**

**Comment**

Should these lands proceed through a site plan application process the lands will be subject to a detailed review of access and property requirements as per the official Plan. No comments at this time.

**A08-116 Willowcedar Estates Inc.**

**Comment**

Property and access have been dealt with during the site plan application process. No comments at this time.

**A08-118 LDASK MBC Corporation**

**Comment**

Should these lands proceed through a site plan application process the lands will be subject to a detailed review of access and property requirements as per the official Plan. No comments at this time.

**A08-123 Kenneth James Marsh**

**Comment**

Should a site plan application be required the lands will be subject to review of access and property requirements as per the official Plan on Kennedy Road.

Environment, Transportation and Planning Services

11 Indell Lane, Brampton, ON L6T 3Y3  
Tel: 905-791-7800 www.peelregion.ca

## Notice of Decision

### Committee of Adjustment

**FILE NUMBER A08-119**

**HEARING DATE AUGUST 5, 2008**

APPLICATION MADE BY AARON & PRAGASHINI FOX

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; **ZONING BY-LAW 270-2004** AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION TO ALLOW A 35.67 SQ.M (384 SQ. FT.) **DETACHED GARAGE IN THE REAR YARD;**

(19 TRELEAVEN DRIVE - LOT 80, PLAN 354)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS  
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF  
BRAMPTON WHERE REQUIRED)

**SEE SCHEDULE "A" ATTACHED**

**REASONS:**

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

MOVED BY: P. S. CHAHAL

SECONDED BY: R. NURSE

**SIGNATURE OF CHAIR OF MEETING:**

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

DATED THIS 5<sup>TH</sup> DAY OF AUGUST, 2008

**NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE AUGUST 25<sup>TH</sup>, 2008.**

I, EILEEN COLLIE, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

SECRETARY-TREASURER  
COMMITTEE OF ADJUSTMENT

**Flower City**



**brampton.ca**

**THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION**

**APPLICATION NO. A08-119**

**DATED AUGUST 5, 2008**

**Conditions:**

1. That the Commissioner of Planning, Design and Development approve the elevation drawings and building materials for the proposed garage.
2. That drainage on adjacent properties is not adversely affected.
3. Drainage from the proposed garage roof must flow onto the applicant's property.
4. A minimum of 0.6 metres (2 feet) of permeable surface area (i.e sod, soil) shall be provided for drainage purposes, between the sideyard property line and the edge of the driveway extension.

Eileen Collie  
Secretary-Treasurer  
Committee of Adjustment



PIN 14060-0005 (LT)



**Appendix B – Site Visit Photos:**

