



Report Committee of Adjustment

Filing Date: February 7th, 2023

Hearing Date: March 7th, 2023

File: A-2023-0027

**Owner/
Applicant:** SHAWN BELL AND ERIN BELL

Address: 117 Elliott Street, Brampton

Ward: WARD 3

Contact: Paul Brioux, Planning Technician

Recommendations:

That application A-2023-0027 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.
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Background:

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit a garden suite having a side yard setback of 0.91m (3.0 ft.) whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) for a garden suite;
2. To permit an existing accessory structure (pool shed) having a setback of 0.15m (0.50 ft.) to the nearest lot lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the rear lot line and 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 'Residential - Low Density in the Downtown Brampton Secondary Plan (Area 7). Subject to the recommended conditions of approval, the requested variance is 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 first variance is requested to permit a garden suite having a side yard setback of 0.91m (3.0 ft.) whereas the by-law requires a minimum side yard setback of 1.8m (5.91 ft.) for a garden suite. 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 to the rear yard. Staff finds that despite the reduced setbacks, the general intent of the by-law in providing access to the rear yard is maintained, as a 0.91m (3.0 ft) setback will provide adequate space to access the rear yard and for any maintenance required to the garden suite. City engineering staff have reviewed the application and confirmed that the setback will provide adequate drainage along the interior of the property.

The second variance is requested to permit an existing accessory structure (pool shed) having a setback of 0.15m (0.50 ft.) to the nearest lot lines whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the rear lot line and 2.4m (7.87 ft.) to the side lot line for an accessory structure. The intent of the by-law in requiring a minimum interior side and rear lot line setback is to ensure that sufficient space is provided to mitigate any adverse impacts to abutting properties and that adequate area is maintained for drainage. As the existing pool shed is small in footprint staff are of the opinion that the reduced rear lot line setback does not adversely impact neighbouring properties, as the massing of the structure and proximity of a neighbouring tree adequately screens the accessory structure from neighbouring properties. Moreover, City engineering staff confirmed that the setback will provide adequate drainage along the interior of the property.

Subject to conditions of approval, both variance 1, and variance 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The first variance for an interior side yard set back to a proposed garden suite, is not considered to limit access to the rear yard. Staff also finds the reduced setback is adequate in the mitigation of any adverse impacts to abutting properties while incorporating gentle density in the form of the proposed garden suite. The proposed garden suite will conform to the City of Brampton height and size requirements for garden suites, with a maximum height of 4.5 metres and total gross floor area (GFA) of 35 square metres. The proposed garden suite will provide an additional residential unit without adverse impacts to neighbouring properties.

The second variance for a reduced setback of 0.15 metres to the nearest lot lines to an existing accessory structure is not considered to have negative impacts on the provision of sufficient amenity

space in the property's rear yard nor does the setback negatively impact adjacent properties. A large tree directly to the rear of the property, provides ample landscaping to further buffer the shed from neighbouring properties. Subject to the recommended approval conditions, both variance 1 and 2 are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances pertaining to the minimum side yard setback, and rear lot line setbacks are not considered to have any negative impacts on the provision of sufficient distance between dwellings, the provision of sufficient amenity area, or access to the rear yard. The garden suite will conform to height and size requirements as per Zoning By-law 156-2022, keeping with general intent of the by-law in maintaining setback to lot lines of abutting properties. Subject to the recommended conditions of approval, Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Planning Technician