



Report Committee of Adjustment

Filing Date: April 11, 2023

Hearing Date: May 9, 2023

File: A-2023-0102

**Owner/
Applicant:** KIRK FOSTER AND ANDREA FOSTER

Address: 20 Golf View Drive

Ward: 3

Contact: Megan Fernandes, Planning Technican

Recommendations:

That application A-2023-0102 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;
 2. The owner shall obtain a building permit for the existing oversized shed within 60 days of the final date of the Committee's decision or within an extended period of time at the discretion of the Chief Building Official
 3. The applicant shall remove the existing pergola located in the rear yard to the satisfaction of the Director of Development Services within 90 days of the final date of the Committees or within an extended period of time at the discretion of the Director of Development Services
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

This application contemplates 2 existing accessory structures in the rear yard, identified as a pool shed and a storage shed. Variance 3 to permit an eave encroachment is required to facilitate the proposed location of the storage shed.

Upon staff visit, staff observed a pergola located in the rear yard. The owner has advised staff that they will be removing the existing pergola, and as such a variance is not required at this time.

Existing Zoning:

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

Requested Variance:

The applicant is requesting the following variances:

1. To permit an accessory structure (storage shed) having a gross floor area of 22.3 sq. m (240 sq. ft) whereas the by-law permits an accessory structure having a maximum gross floor area of 15 sq. m (161.46 sq. ft) for an individual accessory structure;
2. To permit two (2) accessory structures (storage shed and pool shed) having a combined gross floor area of 31.22 sq. m (336.05 sq. ft) whereas the by-law permits two (2) accessory structures having a maximum combined gross floor area of 20 sq. m (215.28 sq. ft);
3. To permit an eave to encroach to 1.02m (3.35 ft) into the rear yard whereas the by-law permits an eave to encroach a maximum of 0.5m (1.64 ft);
4. To permit an existing accessory structure (pool shed) in a required interior side yard having a side setback of 0.48m (1.57 ft) whereas the by-law does not permit an accessory structure to be located within the required 1.8 m side yard.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Flowertown Secondary Plan (Area 6). The requested variances are not considered to have significant impacts within the context of the policies of the Official Plan and Secondary Plan, and maintains 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 an accessory structure (storage shed) having a gross floor area of 22.3 sq. m (240 sq. ft) whereas the by-law permits an accessory structure having a maximum gross floor area of 15 sq. m (161.46 sq. ft) for an individual accessory structure. Variance 2 is requested to permit two (2) accessory structures (storage shed and pool shed) having a combined gross floor area of 31.22 sq. m (336.05 sq. ft) whereas the by-law permits two (2) accessory structures having a maximum combined gross floor area of 20 sq. m (215.28 sq. ft). The intent of the By-law in regulating the total number of accessory structures and the maximum combined gross floor area of all accessory structures is to ensure that the property is not dominated by accessory structures and that they do not negatively impact the provision of outdoor amenity space.

The accessory structures (1 storage shed and 1 pool shed) are intended to enhance the outdoor amenity space in the rear yard and provide for enclosed storage. While the applicant is requesting a combined gross floor area for the accessory structures that is 11.22 sq. m (120.77 sq. ft) greater than what the by-law permits, the design and nature of the proposed accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the size of the property, the two (2) accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an eave to encroach to 1.02m (3.35 ft) into the rear yard whereas the by-law permits an eave to encroach a maximum of 0.5m (1.64 ft). The intent of the by-law in regulating the maximum encroachment of an eave is to ensure that runoff from the eave does not drain on to adjacent properties.

Variance 3 relates to a proposed location of a shed located in the north east portion of the rear yard. The shed is one storey in height and the extent of the structure results in an eave encroachment that is 0.55m (1.80 ft.) greater than what the by-law permits. Given the size of the rear yard and the and its irregular shape, the proposed location of this eave and its encroachment do not present any concerns with regard to runoff impacting adjacent properties. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an existing accessory structure (pool shed) in a required interior side yard having a side setback of 0.48m (1.57 ft) whereas the by-law does not permit an accessory structure to be located within the required 1.8 m side yard. The intent of the by-law in requiring a minimum interior side yard setback relating to accessory structures is to ensure that sufficient space is maintained for access to the rear yard.

The existing shed is located at the south west side of the property and is screened by the existing fence. The location of the accessory structure is not considered to impact drainage or limit access to the rear yard. As the existing pool shed has a small building footprint staff are of the opinion that the reduced required side yard setback does not adversely impact neighbouring properties, as the massing of the structure and landscaped hedge adequately screens the accessory structure from neighbouring properties. Additionally, the pool shed also contributes to the existing amenity use of the property. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The owners are requesting variances to allow existing and proposed site conditions relating to a pool shed and storage shed in the rear yard of a residential property. The subject property is located on an irregularly shaped lot with a medium sized rear yard. Given the size of the lot and rear yard, the size of the accessory structures are not anticipated to cause negative visual impacts or contribute to a significant loss of outdoor amenity space. Although setback reductions are requested for the pool shed, and an eave encroachment is requested for the storage shed, the location of the pool shed and the

proposed location of the storage shed will positively contribute to the outdoor amenity area and the reduced setback will provide enough room for the structure to not impose on the rear of the property. Staff do not anticipate negative on-site or off-site impacts. It is advised that the owner obtain a building permit for the storage shed. The variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is a detached residential dwelling located within an established residential area of the City with medium sized yards. Considering the size and shape of the property, the accessory structures are not anticipated to detract from access to outdoor amenities or create adverse on-site or off-site impacts. The accessory structures provide additional storage for the owner and positively contribute to the use of the amenity space in the rear yard. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician

Appendix A – Site Visit Photos

