



Report Committee of Adjustment

Filing Date: May 17, 2023
Hearing Date: June 20, 2023

File: A-2023-0157

**Owner/
Applicant:** ROBERT BOURNE AND GAZINA BOURNE

Address: 61 Isabella Street

Ward: WARD 1

Contact: Rajvi Patel, Assistant Development Planner

Recommendations:

That application A-2023-0157 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 the owner shall obtain a building permit for the accessory structure (shed) within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 3. 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 B (R1B)', according to By-law 270-2004, as amended.

Requested Variances:

The applicants are requesting the following variances:

1. To permit an existing accessory structure (shed) having a gross floor area of 31.21 sq. m (335.94 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 existing accessory structure (shed) having a height of 3.96m (13 ft.) whereas the by-law permits a maximum height of 3.0m (9.84) for an accessory structure.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and '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 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 property is currently zoned 'Residential Single Detached B,' (R1B), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an existing accessory structure (shed) having a gross floor area of 31.21 sq. m (335.94 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 that 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 16.21 sq. m (174.48 sq. ft.) larger than what the by-law permits, the large property size prevents the rear yard from being dominated by the accessory structure, and the accessory structure 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 an existing accessory structure (shed) having a height of 3.96m (13 ft.) whereas the by-law permits a maximum height of 3.0m (9.84) 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 height of 0.96 (3.15 ft.) for the accessory structure which is not considered to have negative massing impacts. The accessory structure is located on the northeastern corner of the property which abuts English Street Park. 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 allow the size and height of an existing accessory structure (shed) located in the rear yard of the property. There is sufficient separation between the existing 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 does not limit the overall provision of amenity space or cause negative visual impacts as it is partially screened from the park and neighbouring properties by fencing and landscaping along the rear and side lot lines. As a result, no negative impacts are anticipated on-site or off-site. A condition of approval is recommended that the owner shall obtain a building permit for the accessory structure (shed) within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be 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

