



Report Committee of Adjustment

Filing Date: June 5, 2023

Hearing Date: July 11, 2023

File: A-2023-0173

**Owner/
Applicant:** Peter Arora and Ashley Daniel

Address: 15 Pennywood Road

Ward: 1

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0173 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. That the drainage on adjacent properties shall not be adversely affected; and
 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 Variance:

The applicant is requesting the following variance:

1. To permit an accessory structure (shed) to be located within a required interior side yard with a setback of 0.21m (0.69 ft.) whereas the by-law does not permit an accessory structure to be located within the required 1.2m (3.94 ft.) interior side yard.

2. To permit three (3) accessory structures (sheds) whereas the by-law permits a maximum of two (2) accessory structures.
3. To permit a reduced setback of 0.21m (0.69 ft.) and 0.30m (0.98 ft.) to existing accessory structures whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line.

Current Situation:

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

The subject property is designated as "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 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 an accessory structure (shed) to be located within a required interior side yard with a setback of 0.21m (0.69 ft.) whereas the by-law does not permit an accessory structure to be located within the required 1.2m (3.94 ft.) interior side yard. Variance 3 is requested to permit a reduced setback of 0.21m (0.69 ft.) and 0.30m (0.98 ft.) to existing accessory structures whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot line. The intent of the by-law in prohibiting accessory structures in the required side yard and requiring a setback for accessory structures from the rear property lines is to ensure that sufficient space is provided for drainage and maintenance of the structure and access to the rear yard is maintained.

In the case of the subject property, the accessory structures (sheds) are located in the effective backyard of the residential dwelling and the sheds are located behind a fence. The existing sheds do not impact access to the rear yard and adequate space is provided for maintenance of the sheds. City of Brampton engineering staff reviewed the proposed development and were satisfied that the existing shed is constructed and located in such a way that it does not appear to create any runoff onto neighbouring properties as the shed's roof appears to direct runoff onto the subject property. The structure maintains all other Zoning By-law requirements. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the public notice to ensure that the shed is not relocated out of the fenced area. Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit three (3) accessory structures whereas the by-law permits a maximum of two (2) accessory structures. The intent of the by-law in restricting the number of accessory structures is to ensure that the structures do not negatively impact the provision of outdoor amenity space for the property.

The existing accessory structures (sheds) are intended to enhance the provision of outdoor amenity space in the rear yard. While the property contains one (1) additional accessory structure, the sheds

do not require any additional variances relating to the combined gross floor area of the structures, the number of structures do not generate a sense that the property is dominated by accessory structures. Given the size of the property, the three (3) accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property. Subject to the recommended conditions of approval, variance 2 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 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 interior lot with an average 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 sheds, upon staff inspection it was noted that sufficient landscaping is maintained between the accessory structures and property line to regulate adequate drainage onto the subject property. Subject to the recommended conditions, the proposed variance is 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 conditions of the property, the existing accessory structures are not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structures in relation to the surrounding land context does not generate privacy or shadowing 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

