

COMMITTEE OF THE WHOLE (WORKING SESSION) OCTOBER 30, 2001

**ACCESSORY BUILDINGS AND STRUCTURES/RESIDENTIAL ZONES
CITY OF VAUGHAN
FILE: Z.01.005 (15.77)**

Recommendation

The Commissioner of Planning recommends:

1. THAT Council approve a revision to the By-law 1-88 zone standards for Accessory Buildings and Structures to increase the maximum size of garden sheds and cabanas from 6m² to 10m²; and,
2. THAT Staff be directed to forward a by-law amendment implementing the revised standard to a future meeting of Council for enactment.

Purpose

To review the standards of the Zoning By-law with respect to Accessory Buildings and Structures (garden/storage sheds and cabanas), and provide Council with recommended amendments thereto.

Background - Analysis and Options

Background

On December 6, 1999, Council resolved to undertake a review of By-law 1-88, respecting standards for accessory buildings and structures, to address concerns raised by residents regarding garden/storage sheds and cabanas. On October 10, 2000, Council adopted the Staff recommendation to schedule a Public Hearing.

A notice of Public Hearing was published in the Toronto Star on December 30, 2000, and the Public Hearing was held on January 22, 2001. To date, responses have included the following comments, in summary:

- “the maximum area allowed by Vaughan’s By-law 1-88 is much lower than that allowed by neighbouring municipalities;
- retail stores sell pre-built and ready-to-assemble sheds of up to 2.4m x 3.7m, which works out to 9m²; and,
- sheds are exceeding the limits set by the By-law in height, square footage, distance from the adjacent fence, and alignment of the shed with the house.”

As detailed below, Staff conducted a survey of other municipal by-law standards; compiled a list of Committee of Adjustment applications proposing increased area and/or height of accessory buildings; and polled area retail stores to confirm the size of pre-built and ready-to-assemble sheds.

Municipal Standards Survey

Staff conducted a telephone survey of six surrounding municipalities to determine the zoning standards for accessory buildings. Table 1 below and the following, provide a summary of the findings:

- three of the six municipalities permit a maximum floor area of 10m², the remaining permit floor area based on a percentage of the total lot area;
- the interior and rear yard setbacks are primarily 0.6m;

- the permitted heights range from 2.1m to 4.5m, with the average height being 3.3m; and,
- three of the six municipalities require a minimum exterior side yard of 0.6m; one municipality requires accessory buildings to have the same exterior side yard as the dwelling.

TABLE 1: MUNICIPAL REGULATIONS FOR ACCESSORY BUILDINGS TO A RESIDENTIAL USE

Municipality	Shed Area	Height (m)	Interior Side Yard (m)	Exterior Side Yard (m)	Rear Yard Setback (m)
City of Vaughan	6m ²	2.5	0.6	4.5	0.6
Town of Richmond Hill	5% of Lot Area	4.5	0.6	Equiv. to main bld.	0.6
City of London	10% of Lot Area	4	0.6	Equal to front yard	0.6
Town of Orangeville	10m ²	2.1	None	none	none
City of Mississauga	10m ²	3	0.6	0.6	0.6
City of Brampton	10m ²	4.5 peaked /3.5 flat	0.6	0.6	0.6
City of Markham	5% of Lot Area	3	0.6	0.6	0.6
Average		3.2	0.6	1.0	0.6

Vaughan Committee of Adjustment

A trend towards requesting slightly larger shed sizes, both in area and height, has emerged in Committee of Adjustment applications. Table 2 provides a sample of fifteen variance applications, proposing to increase the area and/or height and related setbacks of sheds in rear yards. The following is a summary:

- applications to increase the maximum 6m² floor area propose a range from 7.4m² to 31.2m², with the average being 12.0m²; and,
- applications to increase the maximum 2.5m height propose a range from 2.7m to 3.5m, with the average being 3.0m.

**TABLE 2: COMMITTEE OF ADJUSTMENT APPLICATIONS
DETACHED BUILDINGS (GARDEN OR STORAGE SHED OR CABANA) ACCESSORY TO A RESIDENTIAL USE**

City of Vaughan By-law 1-88	Shed Area (m ²)	Height (m)	Interior Side Yard Setback (m)	Exterior Side Yard Setback (m)	Rear Yard Setback (m)
	6	2.5	0.6	4.5	0.6

Committee of Adjustment Applications		Proposed Variances				
File #	Min. Lot Area (m ²)	Shed Area (m ²)	Height (m)	Interior Side Yard (m)	Exterior Side Yard (m)	Rear Yard Setback (m)
A	360			0.14		
B	360		3.1			0.6
C	540+			0.5		
D	360	8.4	2.9	0.7		0.7
E	360	9.3	2.8	0.6		1.2
F	360	7.4	2.7			0.5
G	450	31.2		0.61		0
H	540+	12			0.61	0.6
I	845		3.5			3.1
J	270	15.6	3.2			
K	540+	9.1				1
L	360	9.3				
M	360		3.0			0.8
N	450	8.9		0.6		0.6
O	540+	8.9				1.7
Average		12.0*	3.0	0.5	0.6	1.0

* Without File #G, which seems an anomaly, the average shed area would be 9.8m².

Industry Standards

In a survey of retail stores, the average pre-built and ready-to-assemble shed dimensions were found to be generally larger in area than what is permitted under the City's current zone standards, as follows:

- floor areas range in size from 5.9m² to 8.9m², with the average being 7.3m²; and,
- heights range from 2.2m to 2.6m, with the average being 2.4m.

To construct most of the pre-built or ready-to-assemble sheds similar to the examples found, a minor variance to By-law 1-88 would be required to permit the increased floor area. However, most examples met the current height standards.

TABLE 3: INDUSTRY STANDARDS – A SAMPLE OF PRE-BUILT AND READY-TO-ASSEMBLE SHEDS

	By-law 1-88	2.5m	6m
Store	Example	Height (m)	Area (m ²)
'A'	Shed '1'	2.3	6.7
	Shed '2'	2.2	7.5
'B'	Shed '1'	2.4	5.9
	Shed '2'	2.4	7.4
'C'	Shed '1'	2.3	7.4
	Shed '2'	2.6	8.9

Average	2.4	7.3
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Review of Current Zoning Standards

a) By-law 1-88

Section 2.0 of By-law 1-88 defines an accessory building as:

“a subordinate building or structure, whether separate or attached, located on the same lots as the main building, the use of which is clearly incidental to that of the main building, not used for human habitation, and includes a private garage or carport.”

The current Accessory Building and Structures related to sheds cabanas requirements, as stated in Section 4.1.1 of By-law 1-88, are as follows:

- a) The percentage of the lot area covered by all accessory buildings and structures other than those attached to the main building shall not exceed ten percent (10%) or 67 square metres, whichever is the lesser;
- b) The following provisions apply to a detached building not exceeding six (6) square metres in floor area use as a garden or storage shed or cabana accessory to the residential use:
 - i) no part of the accessory building shall be nearer to the rear lot line than 0.6 metres;
 - ii) no part of the accessory building shall be nearer to an interior side lot line than 0.6 metres;
 - iii) no part of the accessory building shall be nearer to an exterior side lot than 4.5 metres;
 - iv) the maximum height of the accessory building shall not exceed 2.5 metres from finished grade to the highest point of the structure;
- c) In computing lot coverage, a detached accessory building shall not be included provided that it:
 - i) does not exceed six (6) square metres in floor area;
 - ii) is erected in the rear yard; and
 - iii) is used only as a garden or storage shed or cabana.

It is noted that currently, coverage of accessory buildings cannot exceed 10% of the lot area, but that garden shed under 6m² are not included in the coverage calculations. If a variance is approved to enlarge a shed, it would then need to be included in the coverage calculation. However, the accessory structure(s) could not exceed the overlying control of 10% of the lot area, without further variance.

b) Height

As part of the review, Staff explored the potential of increasing the height of accessory buildings from the current 2.5m (ft) to 3.0m (ft), which would be consistent with the average height permitted by the surveyed municipalities (Table 1) and the average height proposed in variance applications (Table 2).

Staff is concerned that increasing the height of accessory buildings to 3.0m may adversely impact abutting neighbours (i.e. site line obstruction and shading). The standard height of privacy

fencing for residential lots is 1.8m (6 ft). As such, a 3m high accessory building would be visible for 1.2m over a standard fence, whereas the current standards would limit visibility to 0.7m over the fence.

With a peaked roof, walls would be about 2.0m (6.6 ft) high. A 1.8m (6') tall person should easily be able to enter and stand in a 2.5m high structure, considering that the structure is not meant for long periods of use or habitation. The current height is also re-affirmed by the height of the pre-built examples which were found to average 2.4m. In view of the above, Staff is satisfied with maintaining the 2.5m maximum height for accessory buildings.

c) Area

Staff considered two options: i) to increase the maximum size of an accessory building from 6m² to 10m²; and ii) to permit the maximum floor area of an accessory building to be equal to a percentage of the total lot area, with a cap of a maximum 10 to 12m².

The rationale for the second approach is that a larger lot would be able to accommodate a larger shed without being disproportionate to the lot or the abutting properties. However even a standard 6m² shed may be overwhelming to a small rear yard. A sample of Residential zones in By-law 1-88, with different housing types, was examined to determine the results based on 3%, 5% and 10% of the total lot area, as shown in Table 4. The following is a summary of the findings:

TABLE 4: ACCESSORY BUILDING FLOOR AREA AS A PERCENTAGE OF LOT AREA

Housing Type	Residential Zone	Lot Area (m ²)	Shed size (m ²)		
			3% of Lot Area	5% of Lot Area	10% of Lot Area
Detached	R1	540	16	27	54
	R3	360	11	18	18
	RV2(WS)	352	10	18	35
Semi-Detached	R5	225	7	11	23
	RV4	225	7	11	23
	RV4(WS)	197	6	10	20
Townhouse	RM2	230	7	12	23
	RVM1(A)	180	5	9	18
	RVM1(WS-A)	164	5	8	16

Staff are concerned that determining the area of an accessory building based on a percentage of lot size, would result in oversized structures in the residential subdivisions. Beyond a certain size, they no longer reflect the propose of having an accessory building, that being a handy secure space for the storage of tools or equipment for use in the amenity area of the dwelling.

Any structure over 10m² requires a building permit prior to construction/installation. The owner of the property would need to submit a survey of the lot to enable Building Standards Department to determine lot area and to calculate the floor area allowed for each accessory building.

It is Staff's opinion that the second option does not meet the intent of the Zoning By-law with respect to accessory buildings, and would require additional effort on behalf of both the homeowner and the City to enable calculation of the permitted shed size for each building permit.

Alternatively, the first option to increase the cap on the size of the shed from 6m² to 10m² would provide more consistency with the industry standards, so that pre-fab units can be erected without a variance. The larger unit reflects the Committee of Adjustment applications and approvals to exceed the current 6m², but typically to no more than 10m². From an implementation and enforcement aspect, a “firm” rather than “floating” standard, is more practical.

d) Setbacks (Exterior)

The current exterior yard setback is 4.5m for accessory buildings, which on smaller lots would place the structure toward the middle of the rear yard.

Staff has explored the option of reducing the minimum exterior side yard to permit accessory buildings to have the same exterior side yard as the main building on the same lot. The provision would be applicable to all residential zones, but would benefit the smaller lots where the exterior setbacks can be 1.2m.

The said provision will not impact on the overall design of streetscapes, as the walls of accessory buildings facing a street, laneway, or public walkway, will be in line with the main building. This will create a clean visual line from the street, running along the side lot line, to the rear yard. In addition to the above, the urban design guidelines for residential developments generally provide for sufficient screening of private amenity areas for corner lots, specifically, flankage privacy fencing and boulevard landscape treatment.

Conclusion

Staff has reviewed the information collected and have considered options with a goal to achieve the following:

- address the concerns of residents;
- reduce the number of applications before the Committee of Adjustment;
- permit pre-built and ready-to-assemble sheds as-of-right;
- provide standards that are comparable with area municipalities;
- provide for accessory buildings which will not adversely impact adjacent properties;
- permit construction of an accessory building without the need to obtain a building permit; and,
- address the community urban design objectives.

Staff have concluded that the only amendment to the current standards recommended is an increase in the minimum size of an accessory building to 10m². This would meet the intent of the Zoning By-law for accessory buildings and will address the concerns raised by residents during the public hearing process. Specifically, it will provide a by-law that is comparable with area municipalities, and will permit the majority of pre-built and ready-to-assemble sheds as of right. In addition, Staff is satisfied that the amended by-law will provide shed sizes to accommodate the homeowner’s needs, while not adversely impacting adjacent properties.

Furthermore, the amended standards will reduce the number of applications before the Committee of Adjustment, address the current community urban design objectives, and permit the construction of an accessory building without the need to obtain a building permit.

To this end, Staff recommends that a by-law amending the Accessory Building and Structures zone standards be prepared and brought forward to a future Council meeting for enactment. Should the Committee concur, the recommendation contained within this report can be adopted.

Attachments

N/A

Report prepared by:

Jason Sheldon, Planner 1, ext. 8320

Bianca M.V. Bielski, Manager, Development Planning, ext. 8485

Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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