



Report Committee of Adjustment

Filing Date: March 14, 2024

Hearing Date: April 23, 2024

File: A-2024-0084

**Owner/
Applicant:** PARDEEP SINGH & PAWANJOT DHANOA

Address: 35 Bellini Avenue

Ward: WARD 10

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2024-0084 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 drainage from the accessory structure be directed onto the subject property;
 3. That no commercial or industrial uses shall operate from the garage;
 4. That the applicant contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required; and
 5. 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 Rural Estate Two- Special Section 1508 (RE2-1508)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the dwelling, an accessory structure and a swimming pool to be located outside the Schedule C- Section 1508 building area, whereas all structures including dwellings, accessory buildings, swimming pools may only be located within the building area as per Schedule C- Section 1508.

Current Situation:

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

The property is designated 'Estate Residential' in the Official Plan and is located in the Toronto Gore Rural Estate Secondary Plan (Area 26). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. 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 requested variance seeks to vary Schedule 'C, Section 1508 of the by-law to permit the dwelling, an accessory structure and a swimming pool to be located outside the Schedule C- Section 1508 building area, whereas all structures including dwellings, accessory buildings, swimming pools may only be located within the building area as per Schedule C- Section 1508. The intent of the by-law in requiring the location of all structures and to be located only in the areas shown in shaded as 'building areas' on Schedule C-Section 1508 is to ensure that a sufficient amount of open space is available to maintain the rural estate character of the area.

Due to the size of the lot, sufficient open space will remain on the property after the construction of the proposed garage addition and swimming pool which will be located outside of the 'building areas'. Furthermore, due to the configuration of the lot in relation to the neighbouring properties, Staff do not have concerns regarding privacy, massing or the impact on sightlines. The garage addition will be located 1.39 m (4.56 ft.) from the lot line. According to the Concept Plan that was provided by the applicant, the pool is located in the rear of the property, reducing disturbance concerns as it is located away from the dwelling and the immediately adjacent amenity area. Therefore, the intent of the Zoning By-law will be maintained.

3. Desirable for the Appropriate Development of the Land

The variance that is being sought seeks to have an accessory structure (proposed garage addition) and swimming pool located outside of the building area, as per Schedule C, Section 1508. As the lot

area for the subject property will be 8712.57 sq. m. (93781.32 sq. ft.) and the lot width would be 59.04 m. (193.70 ft.) wide, sufficient space will be maintained for additional uses on the property with the inclusion of the structures as the setbacks have not been reduced. The proposed garage addition will be 172.36 sq, m. (1855.27 sq. ft.) and will remain shielded from the street as natural landscaping features are in place. The house and driveway will be accessed from the western portion of the lot, as there has been no request to alter the access points from Bellini Avenue.

The swimming pool was approved through a previous Minor Variance application (File # A18-101). It has been constructed and is located at the rear of the lot, occupying a small portion lot and it is shielded from the street. It should not have an impact on the neighbouring properties, due to the location where it is situated, nor impact the character of the neighbourhood. It will not have any adverse impact on the functionality of the property. To further reduce the potential for any impacts, planters have been placed in the area surrounding the pool to further screen this section of the rear yard. Subject to the recommended conditions of approval, the requested variance is appropriate for the development of the land.

4. Minor in Nature

The requested variance seeks to vary Schedule C, Section 1508 of the by-law to allow for the construction of a garage on the property, along with an existing swimming pool in location where they will be outside of the building envelope, as per the Zoning By-law. Staff are of the opinion that the addition of the garage will not result in negative site conditions on the subject parcel as it is not considered overdevelopment, due to the large size of the lot. The submitted Concept Plan indicates that sufficient amenity space is provided within the rear yard of the subject property and that the parcel will not be dominated by structures or cause drainage concerns. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

