



Report Committee of Adjustment

Filing Date: May 17th, 2024
Hearing Date: June 18th, 2024

File: A-2024-0175

**Owner/
Applicant:** MOHAMED JUNIOR MARAH & FERMUSU KOROMA

Address: 69 Frederick Street

Ward: WARD 3

Contact: Paul Brioux, Assistant Development Planner

Recommendations:

That application A-2024-0175 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 accessory structure (proposed cabana) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of one washroom, sink, and an indoor shower;
 3. That drainage on adjacent properties should not be adversely affected;
 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:

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed accessory building (cabana) having a building height of 3.25 metres, whereas the by-law permits a maximum building height of 3.0 metres for an accessory building;
2. To permit a proposed accessory building (cabana) having a gross floor area of 20.06 metres, whereas the by-law permits a combined gross floor area of 20 square metres for accessory buildings, other than a swimming pool enclosure, with any individual accessory building not exceeding 15 square metres; and
3. To permit an accessory structure (cabana) having habitable space (bathroom facilities), whereas the by-law does not permit habitable space within an accessory structure.

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' in the Downtown Brampton Secondary Plan (Area 7). The requested variances will facilitate the construction of an accessory building in the rear yard of the residential property and are not considered to have significant impacts within the context of the Official Plan. The nature and extent of the proposed 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 a proposed accessory building (cabana) having a building height of 3.25 metres, whereas the by-law permits a maximum building height of 3.0 metres for an accessory building. 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 0.25m for the accessory structure which is not anticipated to have negative massing impacts. The location of the structure relative to the property and surrounding site context ensures that the increase in height will not generate adverse impacts as it maintains minimum setbacks. The variance does not cause any adverse impacts related to privacy and shadowing and is therefore considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a proposed accessory building (cabana) having a gross floor area of 20.06 metres, whereas the by-law permits a combined gross floor area of 20 square metres for accessory buildings, other than a swimming pool enclosure, with any individual accessory building not exceeding 15 square metres. 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 for some storage space. Given the size of the property, the accessory structure is not considered to negatively impact the provision of outdoor amenity space for the property. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an accessory structure (cabana) having habitable space (bathroom facilities), whereas the by-law does not permit habitable space within an accessory structure. The intent of the by-law in prohibiting habitable space within accessory structures is to ensure that the structures are not used for human habitation and remain accessory to the primary residential dwelling. The accessory structure contains plumbing for a powder room and indoor shower which according to the Zoning By-law, is classified as habitable space within the accessory structure. The cabana is intended to remain accessory to the primary residential dwelling. A condition of approval is recommended that the accessory structure (cabana) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory structure shall be limited to the provision of one washroom, sink and indoor shower. Subject to the recommended conditions of approval, the requested variance maintains 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 facilitate the construction of a cabana located in the rear yard of the property. An additional variance is requested to allow plumbing for the powder room/washroom in the existing cabana. The subject property is located on a large lot that has sufficient separation between adjacent properties. Given the size of the lot and rear yard, the overall size of the cabana is not anticipated to cause negative visual impacts or limit the overall provision of amenity space. It is noted that the accessory structure will maintain minimum setback requirements. Subject to the recommended conditions of approval, the variances are deemed desirable for the appropriate development of the land.

4. Minor in Nature

The subject lands are located within a residential area with relatively large lot sizes. Considering the size and conditions of the property, the existing accessory structure is not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structure in relation to the surrounding land context does not generate privacy or shadowing impacts. The cabana enhances the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Assistant Development Planner

Appendix 1

