



## Report Committee of Adjustment

**Filing Date:** March 5, 2024  
**Hearing Date:** December 10, 2024  
**File:** A-2024-0068  
**Owner/  
Applicant:** Baligh Graieb and Nora Graieb  
Alana + Kelly Design Co. Ltd  
**Address:** 10 Hazelwood Drive  
**Ward:** 7  
**Contact:** Megan Fernandes, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0068 be deferred no later than the last hearing of February 2025.

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### **Background:**

The applicant received previous approvals in 2017 (A17-024) and 2018 (A18-186) for the accessory structures in the rear yard and carport. In this application, the applicant is seeking to request additional permissions for the height of the accessory structures and combined gross floor area of the three structures. Additional variances are requested for a proposed second storey addition over the existing garage, and a new ground floor addition (second garage). The proposed new ground floor addition will replace the existing garage on the property.

### Existing Zoning:

The property is zoned 'Residential Single Detached A(2) (R1A(2))', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 2.043 metres to a proposed ground floor addition (Attached Garage), whereas the by-law requires a minimum front yard setback of 9.0 metres;

2. To permit an interior side yard setback of 2.587 metres to a proposed ground floor addition (Attached Garage) whereas the by-law requires a minimum interior side yard setback of 2.8 metres;
3. To permit an interior side yard setback of 1.952 metres to a proposed Ground Floor & Second Floor Addition whereas the by-law requires a minimum interior side yard setback of 2.8 metres;
4. To permit a lot coverage of 39.7%, whereas the by-law permits a maximum lot coverage of 25%;
5. To permit 2 accessory structures (Existing Pergola 'C' & Existing Shed 'B') to be constructed on an easement, whereas the by-law does not permit accessory structures to be constructed upon any easement;
6. To permit 3 accessory structures whereas the zoning by-law permits a maximum of not more than one swimming pool enclosure, and two accessory buildings, other than a swimming pool on a lot;
7. To permit an accessory structure (Existing Pergola 'A') having a gross floor area of 18.95 square metres (204 square feet), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure;
8. To permit an accessory structure (Existing Pergola 'A') having a height of 3.2 metres, whereas the by-law permits an accessory structure having a maximum height of 3.0 metres;
9. To permit an accessory structure (Existing Pergola 'C') to be used for human habitation, whereas the by-law does not permit an accessory structure to be used for human habitation;
10. To permit an accessory structure (Existing Pergola 'C') having a gross floor area of 37.34 square metres (402 square feet), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure;
11. To permit an accessory structure (Existing Pergola 'C') having a height of 3.1 metres, whereas the by-law permits an accessory structure having a maximum height of 3.0 metres;
12. To permit a combined gross floor area of 71.34 square metres for three (3) accessory structures, whereas the by-law permits a maximum combined gross floor area of 20 square metres for two (2) accessory structures; and
13. To permit a semicircular Residential Driveway with a maximum surface area of 59.29% of the front yard area, whereas the by-law permits a maximum surface area of 50% of the front yard area for a Residential Driveway.

**Current Situation:**

The applicant is requesting thirteen (13) variances to permit existing accessory structures, as well as a proposed second storey addition over an existing garage, and a ground floor addition (new garage) on the subject property.

Following a review of the application, City staff have significant concerns regarding several variances, including Variance 1 which contemplates a reduced front yard setback to the proposed ground floor addition, and variance 5 to permit 2 accessory structures (Existing Pergola 'C' & Existing Shed 'B') to be constructed on an easement. Staff received a revised site plan on November 26, 2024, through which some of the aforementioned variances were revised. As the revised material was received after the submission deadline, staff were unable to complete a review and include the revised site plan on the public notices. Through a review of the revised site plan, staff note that location and size of the previously approved accessory structures have been deemed null and void.

Staff are recommending a deferral of the application to a date no later than the last hearing of February 2025 to allow sufficient time for the applicant to provide further information regarding the easements located at the rear of the property. Staff have discussed the above noted matters with the applicant and will be working closely with them to resolve any concerns prior to presenting a recommendation to the Committee of Adjustment.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Assistant Development Planner



# BRAMPTON

## Flower City

## Notice of Decision

### Committee of Adjustment

FILE NUMBER A17-024

HEARING DATE MAY 9, 2017

APPLICATION MADE BY BALIGH AND NORA GRAIEB

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCES:

1. To permit three (3) accessory structures (existing shed and 2 pergolas) having a combined gross floor area of 50.95 sq. m (548.42 sq. ft.);
2. To permit a single accessory structure (existing pergola) having a gross floor area of 37.6 sq. m (404.72 sq. ft.);
3. To permit a detached carport in addition to an existing attached garage;
4. To permit a front yard setback of 1.22m (4.00 ft.) to an existing detached carport.

(10 HAZELWOOD DRIVE – LOT 100, PLAN 717)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS  
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

## SEE SCHEDULE "A" ATTACHED

### REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: R. Nurse

SECONDED BY: R. Crouch

SIGNATURE OF CHAIR OF MEETING: \_\_\_\_\_

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

DATED THIS 9TH DAY OF MAY, 2017

**NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE MAY 29, 2017**

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

Jeanie Myers  
SECRETARY-TREASURER  
COMMITTEE OF ADJUSTMENT



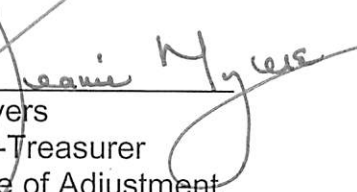
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: **A17-024**

DATED: **MAY 9, 2017**

Conditions:

1. That the variances only be approved to the extent as indicated in the sketch attached to the Public Notice;
2. That the applicant demonstrate to the satisfaction of the Director of Development Services that the accessory structure and concrete pad, identified as "existing shed" on the sketch attached to the Public Notice, is located solely within the applicant's property limits in accordance with a legal property survey or as confirmed by an Ontario Land Surveyor within 120 days of the date of the decision of the Committee. The accessory structure (existing shed) is to comply with the provisions of the Zoning By-law and is to be set back a minimum of 0.6 metres (2 feet) from any property line;
3. That the applicant obtain a building permit for the carport and shed within sixty (60) days of the date of the decision of the Committee;
4. That the existing "gazebo and hot tub pergola" be removed within thirty (30) days of the date of the decision of the Committee;
5. That the two (2) pergolas and carport remain of an "open-style" construction;
6. That drainage from the accessory structures and carport shall be directed onto the subject property and drainage not impact adjacent properties; and,
7. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

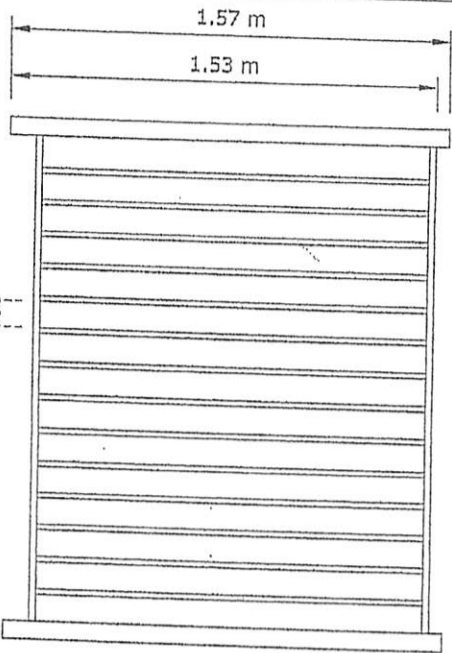
  
Jeanie Myers  
Secretary-Treasurer  
Committee of Adjustment

Legend:

- Property Line
- Pool Enclosure
- Proposed Elements
- Existing Grade
- 1'-4"

Pool Fence  
A  
001

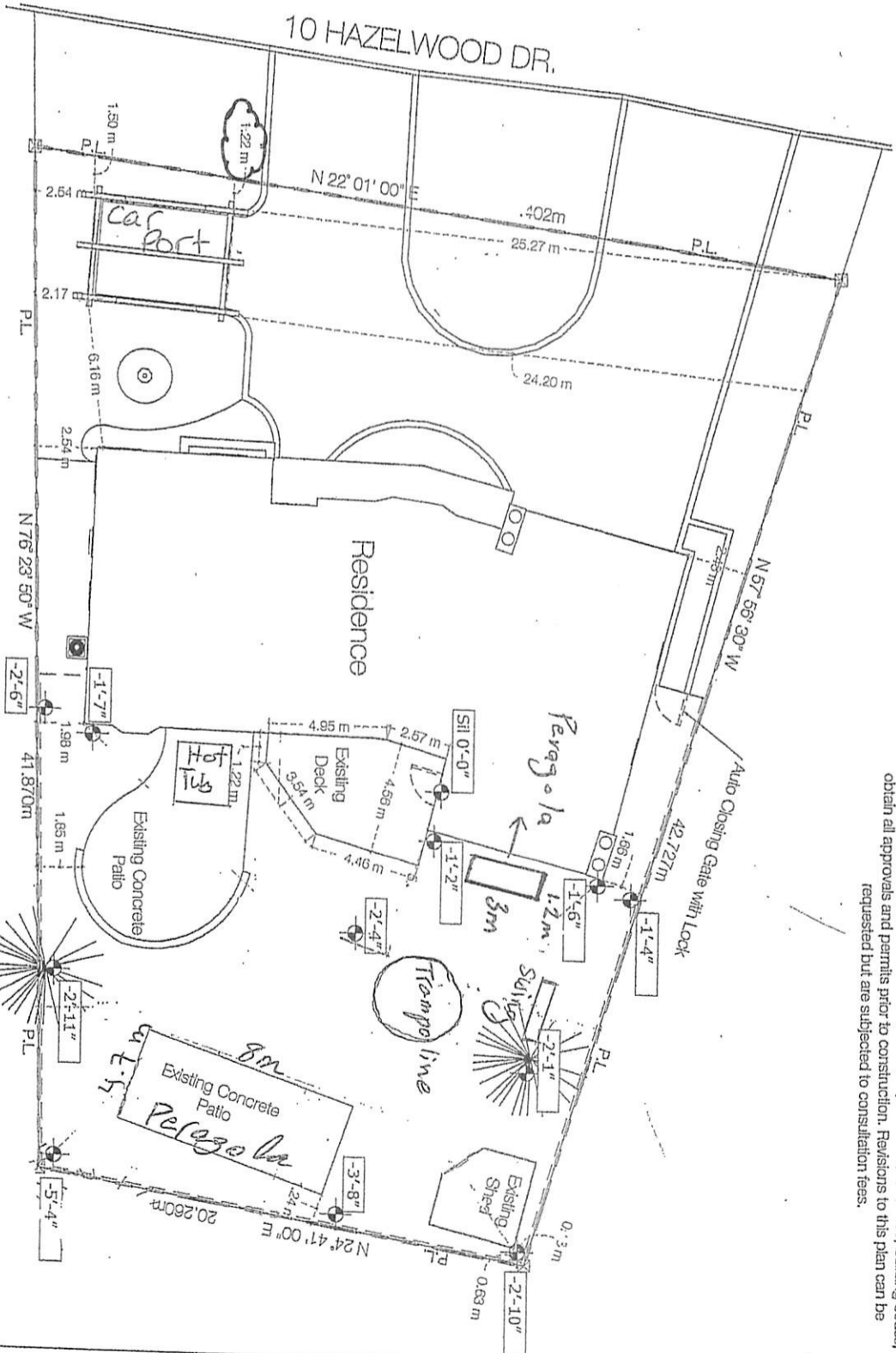
Notes:  
-All Gates to be Auto-Closing  
with Lock



Natural  
Landscape  
Group

December 14, 2016

Gratby Residence



This is an illustrative landscape design. All proposed structures such as: driveways, walkways, patio, decks, changes in elevation, retaining walls, pools, sheds, or any other attached or free-standing structures are to be approved by the regulatory bodies prior to construction. Natural Landscape Group assumes no responsibility for the placement of any structure as detailed on this design. It is the responsibility of the homeowner and/or hired contractor to follow specification standards, building codes, obtain all approvals and permits prior to construction. Revisions to this plan can be requested but are subjected to consultation fees.

10 Hazelwood Dr., Brampton, ON | Pool Enclosure Plan

Scale: 1:200

A  
01



FILE NUMBER A18-186

HEARING DATE DECEMBER 4, 2018

APPLICATION MADE BY BALIGH GRAIEB AND NORA GRAIEB

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCES:

1. To permit a detached carport in addition to an existing attached garage;
2. To permit a front yard setback of 1.22m (4.00 ft.) to an existing detached carport;
3. To permit a single accessory structure (existing pergola) having a gross floor area of 37.6 sq. m (404.72 sq. ft.);
4. To permit three (3) accessory structures (existing shed, pergola and children's play equipment) having a combined gross floor area of 44.0 sq. m (473.61 sq. ft.);
5. To permit a rear yard setback of 0.2m (0.66 ft.) to an existing accessory structure (shed);
6. To permit a recreational facility (children's play equipment) to be located 0.63m (2.07 ft.) from the side lot line;
7. To permit an accessory structure (children's play equipment) having a building height of 4.1m (13.50 ft.);
8. To permit two (2) accessory structures (shed and pergola) to be located on an easement.

(10 HAZELWOOD DRIVE – LOT 100, PLAN 717)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS  
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

**SEE SCHEDULE "A" ATTACHED**

REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: R. Crouch

SECONDED BY: D. Doerfler

SIGNATURE OF CHAIR OF MEETING: [Signature]  
WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

DATED THIS 4TH DAY OF DECEMBER, 2018

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL WILL BE DECEMBER 24, 2018

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

[Signature]  
SECRETARY-TREASURER  
COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca

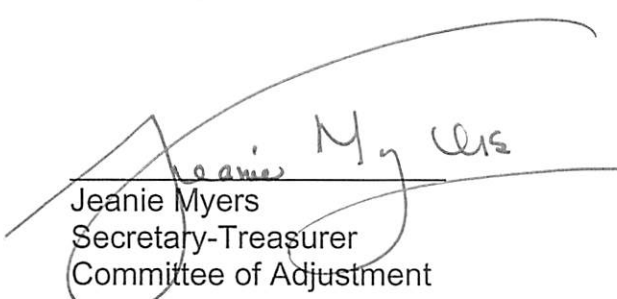
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

APPLICATION NO: **A18-186**

DATED: **DECEMBER 4, 2018**

Conditions:

1. That the variances only be approved to the extent as indicated in the sketch attached to the Public Notice;
2. That the applicant obtain a building permit for both the carport and shed within sixty (60) days of the date of the decision of the Committee;
3. That the existing pergola and carport remain as an "open-style" construction;
4. That drainage from the carport and accessory structures shall not adversely impact the adjacent properties;
5. That the applicant shall make arrangements, satisfactory to the Director of Development Services, to provide a description of the rear yard easement(s) and to secure written confirmation advising that the owner of the easement(s) has no objection with the two accessory structures (shed and pergola) being located within the easement. Upon receipt of this information the Director of Development Services will confirm if the two accessory structures (shed and pergola) will be able to remain within the easement, or will set out the necessary timing and arrangements for the removal of one or both of these accessory structures;
6. The applicant shall make arrangement, satisfactory to the Director of Development Services, to demonstrate that no portions of the accessory structures or fencing is located on City property.
7. That failure to comply with and maintain Conditions 1 to 4 of the Committee will render the approval of the detached car port and front yard setback for the detached carport variances null and void; and,
8. That failure to comply with and maintain Conditions 1 to 6 of the Committee will render the approval of the rear yard accessory structures null and void.

  
Jeanie Myers  
Secretary-Treasurer  
Committee of Adjustment

Legend

Property Line

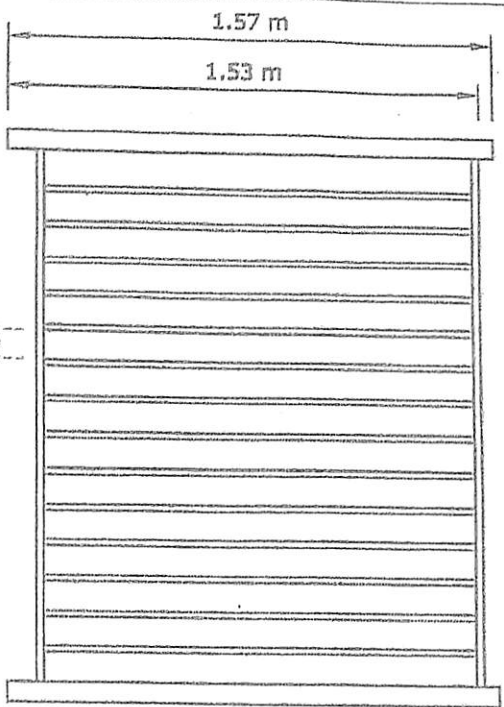
Pool Enclosure

Proposed Elements

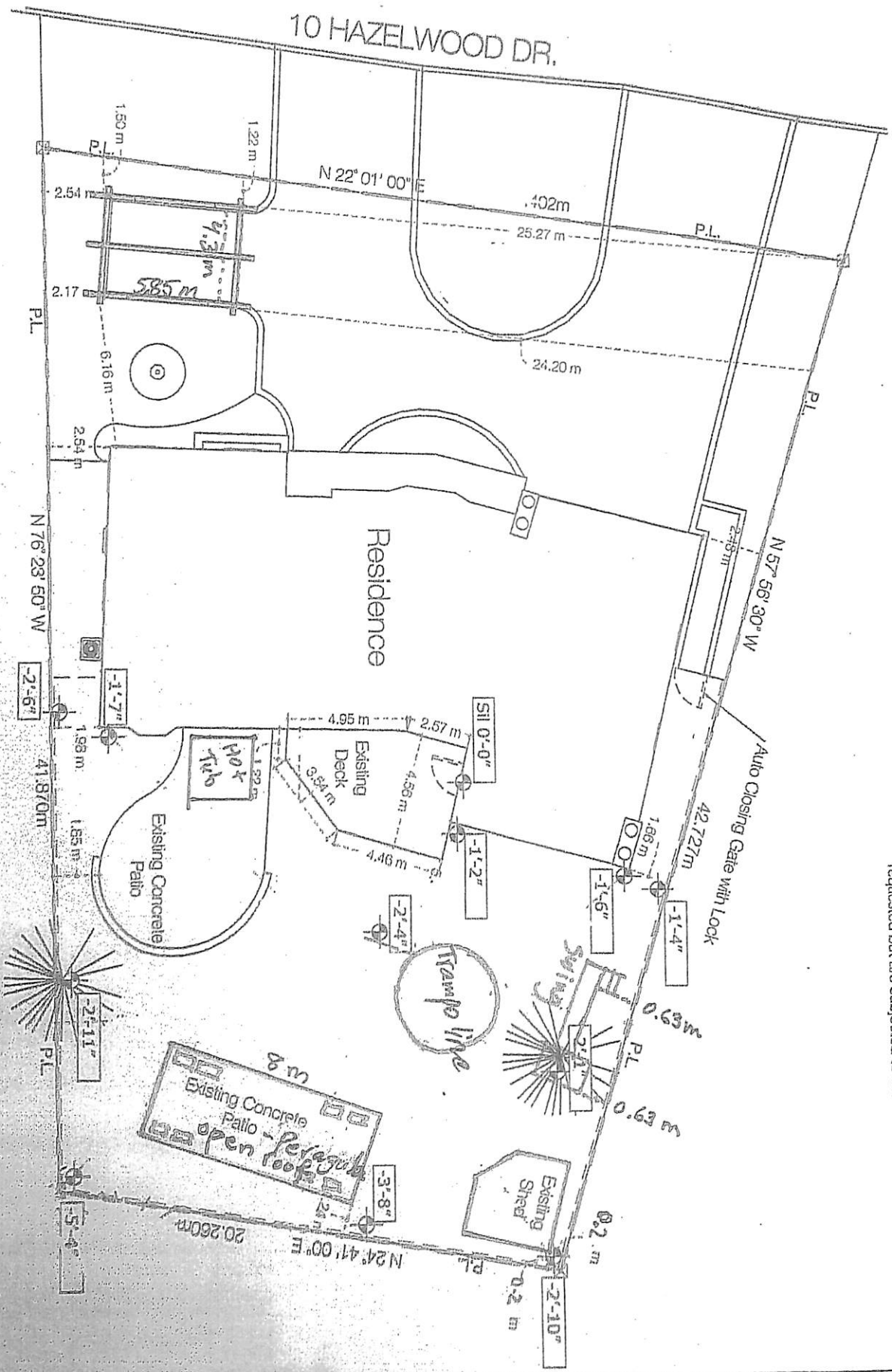
Existing Grade



Pool Fence	A
	001



Notes:  
-All Gates to be Auto-Closing  
With Lock



the regulatory bodies prior to construction. Natural Landscape Group assumes no responsibility for the placement of any structure as detailed on this design. It is the responsibility of the homeowner and/or hired contractor to follow specification standards, building codes, obtain all approvals and permits prior to construction. Revisions to this plan can be requested but are subjected to consultation fees.



Natural  
Landscape  
Group

December 14, 2016

57120 Residence



**Date:** February 14, 2017

**File:** A17-024

**Subject:** Graieb, Baligh  
Lot 100, Plan 717  
10 Hazelwood Drive  
WARD: 7

**Contact:** Kevin Freeman, Development Planner

### **Recommendation:**

That application A17-024 is supportable, subject to the following conditions being imposed:

- (1) That the variances only be approved to the extent as indicated in the sketch attached to the Public Notice;
- (2) That the accessory structure and concrete pad, identified as "existing shed" on the sketch attached to the Public Notice, be located solely within the applicant's property limits in accordance with a legal property survey or as confirmed by an Ontario Land Surveyor within 120 days of the date of the decision of the Committee. The accessory structure (existing shed) is to comply with the provisions of the Zoning By-law and is to be setback a minimum of 0.6 metres (2 feet) from any property line;
- (3) That the applicant obtain a building permit for the carport and shed within sixty (60) days of the date of the decision of the Committee;
- (4) That the accessory structures identified as "gazebo, hot tub pergola, and patio pergola" on the sketch attached to the Public Notice remain of an open-style construction;
- (5) That drainage from the accessory structures and carport shall be directed onto the subject property and drainage not impact adjacent properties; and
- (6) That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

**Background:**

The applicant has four (4) existing accessory structures (existing shed, gazebo and 2 pergolas) located in the rear yard of the property. The existing shed is located in the south-east corner of property and appears to be located outside of the homeowner's property limits. A condition is recommended that the homeowner re-locate the shed to within the property limits and to setback the shed a minimum distance of 0.6 metres from any lot line in order to comply with the Zoning By-law. The homeowner had obtained a permit for the existing driveway and curb cut in September 2014.

**Existing Zoning:**

The property is zoned 'Residential Single Detached A(2) (R1A(2))', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit four (4) accessory structures (existing shed, gazebo and 2 pergolas) having a combined gross floor area of 68.97 square metres (742.39 square feet) whereas the by-law permits two (2) accessory structures having a maximum combined gross floor area of 20 square metres (215.28 square feet);
2. To permit a single accessory structure (existing pergola) having a gross floor area of 37.6 square metres (404.72 square feet) whereas the by-law permits a maximum gross floor area of 15 square metres (161.45 square feet) for any individual accessory structure;
3. To permit a detached carport in addition to an existing attached garage whereas the by-law permits only one detached garage or carport on each lot, and only if there is not an attached private garage or carport already on the lot; and
4. To permit a front yard setback of 1.22 metres (4.00 feet) to an existing detached carport whereas the by-law requires a minimum front yard setback of 9.0 metres (29.53 feet).

**Current Situation:****1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the Official Plan and 'Low-Density Residential' in the Westgate Secondary Plan (Area 10). The requested variances are not in conflict with the policies of the Official Plan.

## 2. Conforms to the Intent of the Zoning By-law

The property is zoned 'Residential Single Detached A(2)', which permits single detached dwellings, group homes, and places of worship. The applicant has requested relief from a total of four (4) provisions of the Zoning By-law, two of which are associated with existing accessory structures on the property and two of which are specific to an existing carport in the front yard. The first variance is to permit four (4) accessory structures (existing shed, gazebo and 2 pergolas) having a combined gross floor area of 68.97 square metres (742.39 square feet) whereas the by-law permits two (2) accessory structures having a maximum combined gross floor area of 20 square metres (215.28 square feet). The second variance is to permit a single accessory structure (existing pergola) having a gross floor area of 37.6 square metres (404.72 square feet) whereas the by-law permits a maximum gross floor area of 15 square metres (161.45 square feet) for any individual accessory structure.

The intent of the by-law in regulating the individual and combined gross floor area of accessory structures as well as the number of accessory structures permitted on a residential property is to ensure that these structures do not dominate the rear yard amenity area intended to serve the dwelling. In this instance, there are four (4) accessory structures existing on the property, one of which is an existing pergola with a gross floor area of 37.6 square metres (404.72 square feet). The existing pergola is not enclosed and is of an open style construction with no roof. The pergola does not detract from the rear yard amenity area intended to serve the dwelling, is not imposing on neighbouring properties, and is scaled appropriately relative to the size of the lot.

The remaining three (3) existing accessory structures (shed, gazebo on deck, and pergola over the hot tub) have a combined gross floor area of 31.37 square metres (337.66 square feet). The gazebo located on the deck and the pergola located over the existing hot tub are both of an open-style construction and are not enclosed. The shed is approximately 13.37 square metres (143.91 square feet) and is located in the south-east corner of the rear yard. In this instance, three of the four existing accessory structures are of an open-style construction, are not enclosed, and are to be used in conjunction with the rear yard amenity area intended to serve the residential dwelling. The presence of the accessory structures do not dominate the rear yard space and do not impede on the sightlines of the neighbouring property to the east or create any adverse impacts on the surrounding open space lands. Subject to the recommended conditions, the two variances associated with the four (4) accessory structures meet the general intent and purpose of the Zoning By-law.

The two additional variances are associated with an existing carport that is located in the front yard of the property. The first variance is to permit a detached carport in addition to an existing attached garage whereas the by-law permits only one detached garage or carport on each lot, and only if there is not an attached private garage or carport already on the lot. A variance is required since there is both an attached garage and a carport on the property. The existing carport is primarily used for the parking of an oversized accessible vehicle that cannot be accommodated by the attached garage.

The existing carport is of a quality construction with a shingled roof and eavestroughs to facilitate drainage.

The second variance specific to the existing carport is to permit a front yard setback of 1.22 metres (4.00 feet) to the detached carport whereas the by-law requires a minimum front yard setback of 9.0 metres (29.53 feet). The intent of the by-law in regulating the minimum front yard setback is to ensure that buildings and structures do not impose any negative impacts on the streetscape. In this instance, there are a number of mature trees along the frontage of the property that enhance the streetscape and minimize any impact that the carport may have on the streetscape. The requested 1.22 metre (4.00 foot) front yard setback only applies to a small portion of the lot and will not result in any sightline issues since the abutting lands to the west are zoned open space with no driveway. The existing carport does not obstruct any vehicular access to the attached garage on the property and has no impact on the function of the driveway. Subject to the recommended conditions, the two variances associated with the existing carport meet the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The property is located on the south side of Hazelwood Drive, adjacent to Hazelwood Park South, and is surrounded by lands zoned open space that are owned and maintained by the City of Brampton. As a result, there are a number of mature trees on the property and surrounding the property that contribute towards naturally screening both the front and rear yard areas from the surrounding land uses. The only residential property abutting 10 Hazelwood Drive is located to the immediate east and is identified as 8 Hazelwood Drive. Given the size of the lot, the four (4) existing accessory structures will have no impact on the property and the amenity area intended to serve the dwelling. A number of the accessory structures that contribute to the overall combined gross floor area of 68.97 square metres (742.39 square feet) are of an open-style construction and are providing shade to various amenity areas located throughout the yard. Due to the size of the lot, surrounding land uses, and the presence of mature trees, the impact of the four (4) existing accessory structures is minimal.

The existing carport in the front yard is of a high quality construction with a shingled roof and eavestroughs to help facilitate drainage. The location and design of the carport is not anticipated to have any impact on the streetscape or any of the surrounding properties. The presence of mature trees along the frontage of the property and surrounding the property minimize the impact that the carport may have on the streetscape and will not result in any sightline issues. Subject to the recommended conditions, the variances are desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variances associated with the four (4) existing accessory structures in the rear yard and the existing carport in the front yard are not anticipated to impose any

negative impacts on the subject property or any of the surrounding properties. Subject to the recommended conditions, the variances are minor in nature.

Respectfully Submitted,



Kevin Freeman  
Development Planner

**Date:** December 4, 2018

**File:** A18-186

**Subject:** **Baligh Graieb and Nora Graieb**  
Lot 100, Plan 717  
10 Hazelwood Drive  
WARD: 7

**Contact:** Rob Nykyforchyn, Development Planner

**Recommendations:**

That application A18-186 is supportable, subject to the following conditions being imposed:

- (1) That the variances only be approved to the extent as indicated in the sketch attached to the Public Notice;
- (2) That the applicant obtain a building permit for both the carport and shed within sixty (60) days of the date of the decision of the Committee;
- (3) That the existing pergola and carport remain as an "open-style" construction;
- (4) That drainage from the carport and accessory structures shall not adversely impact the adjacent properties;
- (5) That the applicant shall make arrangements, satisfactory to the Director of Development Services, to provide a description of the rear yard easement(s) and to secure written confirmation advising that the owner of the easement(s) has no objection with the two accessory structures (shed and pergola) being located within the easement. Upon receipt of this information the Director of Development Services will confirm if the two accessory structures (shed and pergola) will be able to remain within the easement, or will set out the necessary timing and arrangements for the removal of one or both of these accessory structures;
- (6) The applicant shall make arrangement, satisfactory to the Director of Development Services, to demonstrate that no portions of the accessory structures or fencing is located on City property.
- (7) That failure to comply with and maintain Conditions 1 to 4 of the Committee will render the approval of the detached car port and front yard setback for the detached carport variances null and void; and,
- (8) That failure to comply with and maintain Conditions 1 to 6 of the Committee will render the approval of the rear yard accessory structures null and void.

**Background:**

The minor variances for the three existing accessory structures (Shed, pergola and children's play equipment) and the front yard carport were previously considered and approved by the Committee of Adjustment on May 9, 2017 (via File: A17-024). Whereas the applicant was not able to fulfill the conditions of approval within the required one year time frame, the approvals were rendered null and void. As such, the applicant is now reapplying for the same permissions along with new variances for zoning relief to the shed's rear yard setback and the children's play equipment.

**Existing Zoning:**

The property is zoned 'Residential Single Detached A(2) (R1A(2))', according to By-law 270-2004, as amended.

**Requested Variances:**

The applicant is requesting the following variances:

1. To permit a detached carport in addition to an existing attached garage whereas the by-law does not permit a detached carport where there is an existing attached garage;
2. To permit a front yard setback of 1.22m (4.00 ft.) to an existing detached carport whereas the by-law requires a minimum front yard setback of 9.0m (29.53 ft.);
3. To permit a single accessory structure (existing pergola) having a gross floor area of 37.6 sq. m (404.72 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.45 sq. ft.) for any individual accessory structure;
4. To permit three (3) accessory structures (existing shed, pergola and children's play equipment) having a combined gross floor area of 44.0 sq. m (473.61 sq. ft.) whereas the by-law permits two (2) accessory structures having a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
5. To permit a rear yard setback of 0.2m (0.66 ft.) to an existing accessory structure (shed) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) from an accessory structure to all property lines;
6. To permit a recreational facility (children's play equipment) to be located 0.63m (2.07 ft.) from the side lot line whereas the by-law requires that a recreational facility be setback 1.2m (3.94 ft.) from any lot line;
7. To permit an accessory structure (children's play equipment) having a building height of 4.1m (13.50 ft.), whereas the by-law permits a maximum building height of 3.0m (9.84 ft.) for an accessory building; and,
8. To permit two (2) accessory structures (shed and pergola) to be located on an easement whereas the by-law does not permit an accessory structure to be located on an easement.

## **Current Situation:**

### **1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the Official Plan and 'Low-Density Residential' in the Westgate Secondary Plan (Area 10). The requested variances are not in conflict with the policies of the Official Plan.

### **2. Conforms to the Intent of the Zoning By-law**

The property is zoned 'Residential Single Detached A(2)' which permits a single detached dwelling. The applicant has requested relief from a total of eight (8) provisions of the Zoning By-law, two of which are specific to an existing carport in the front yard, and six (6) of which are associated with existing accessory structures in the rear yard.

#### **- Carport Variances:**

The first two variances are associated with an existing carport that is located in the front yard of the property. More specifically, the applicant is requesting variances to permit the existing detached carport in the front yard, in addition to an existing attached garage, whereas the by-law permits only one detached garage or carport on each lot. The existing carport is primarily used for the parking of an accessible vehicle that cannot be accommodated by the attached garage. The existing carport is of an open-style construction design which thereby reduces the visual streetscape appearance of the structure.

The second variance specific to the existing carport is to permit a front yard setback of 1.22 metres (4.00 feet) to the detached carport whereas the by-law requires a minimum front yard setback of 9.0 metres (29.53 feet). The intent of the by-law in regulating the minimum front yard setback is to ensure that buildings and structures do not impose any negative impacts on the streetscape. In this instance, there are a number of mature trees along the frontage of the property that enhance the streetscape and minimize any impact that the carport may have on the streetscape. The requested 1.22 metre (4.00 foot) front yard setback only applies to a small portion of the lot and will not result in any sightline issues since the abutting lands to the west are zoned open space and does not contain a driveway. The existing carport does not obstruct vehicular access to the attached garage on the property and does not impede the function of the driveway. Subject to the recommended conditions, that the carport be of an "open-style" construction and that the setback variance be limited to the extent as indicated on the sketch attached to the Public Notice, the two variances associated with the existing carport meet the general intent and purpose of the Zoning By-law.

#### **- Variances for the Three Accessory Structures:**

The remaining variances pertain to the size, height and location of various rear yard accessory structures (the shed, the pergola, and the children's play equipment).

The intent of the by-law in regulating the individual and combined gross floor area of accessory structures as well as the number of accessory structures permitted on a residential property is to ensure that these structures do not dominate the rear yard amenity area intended to serve the dwelling nor encumber the privacy of the neighbouring residents.

The rear corner of the property contains an existing shed (accessory structure) which has been placed on a concrete foundation slab. The corner of the shed is setback 0.2 metres (0.66 feet) from the rear property line, whereas the by-law requires a minimum rear yard setback of 0.66 metres (1.97 feet). The purpose of the minimum rear yard setback requirement is to ensure that sufficient space is available for general maintenance work and for drainage purposes. The configuration and pitch of the roof will ensure that water will not drain towards the neighbouring residential lot and will not result in any significant drainage issues on the City's public open space lands. A condition is recommended whereby the applicant agrees that site drainage will not adversely affect the neighbouring properties. Through the processing of the application, it has become known that the rear fence is located within the City's public open space (park) area and as such will need to be removed. A condition to this effect has been recommended whereby the owner will need to demonstrate that both the fence and the shed's concrete slab have been removed from the City's property.

The existing pergola has a gross floor area of 37.6 square metres (404.72 square feet) which is slightly in excess of two times that which is permitted by the by-law (ie 20 square metres / 215.28 square feet). Variances to the number of accessory structures permitted on site (ie. 3), and their cumulative gross floor area (44 square metres / 473.61 square feet) are also required. Planning Staff is of the opinion that the rear yard is of a sufficient size to accommodate the number, size and scale of the existing accessory structures located in the rear yard. In order to ensure that the impacts on the abutting resident is minimized, it is recommended that conditions of approval be imposed to limit the pergola to its current location and also to require that it remain as an open-style of construction.

Both the above noted shed and pergola are located on an easement that is located along the rear property line, whereas the by-law does not allow for accessory structures to be located on an easement. The intent of the by-law is to prevent land owners from impacting drainage and / or public infrastructure. To ensure that these accessory structures do not impact the function of the easement, it is recommended that the applicant secure a letter of acknowledgement from the owner of the easement, which confirms that they have no concerns or objection with the accessory structures being located within the easement. Subject to this letter being secured, and is satisfactory to the City's Planning Section, the requested variance will maintain the intent of the by-law.

Lastly, zoning relief is being requested to address the height and side yard setback requirements of the children's play equipment which is located near the side lots line of the neighbouring resident at 8 Hazelwood Drive. The intent of the by-law is to ensure that these structures are limited to a reasonable size and scale and can be properly maintained. Provided that the variances are limited to the existing children's play equipment, Planning staff is satisfied that the zoning relief will continue to maintain the intent of the by-law.

### 3. Desirable for the Appropriate Development of the Land

The property is located on the south side of Hazelwood Drive, adjacent to Hazelwood Park South, and is surrounded by lands that are zoned open space and that are owned and maintained by the City of Brampton. The subject property only shares one common side yard property limit with the abutting property to the east (ie. 8 Hazelwood Drive). There are a number of mature trees both on and surrounding the subject property that contribute towards naturally screening both the front and rear yard areas from the surrounding land uses.

The existing carport in the front yard is of a high quality construction with a shingled roof and eavestroughs to help facilitate drainage. The location and design of the carport is not anticipated to have any impact on the streetscape or any of the surrounding properties. The presence of mature trees along the frontage of the property and surrounding the property minimize the impact that the carport may have on the streetscape and will not result in any sightline issues.

Comments received from the Toronto and Region Conservation Authority, dated November 27, 2018, advise that the applicant has made satisfactory arrangements through the previous Committee of Adjustment Application (File: A17-024) to secure a permit for the existing works that were undertaken on the site. As such, the TRCA has no objection with the minor variances being requested through the current application.

Comments received from the City's Building Division request a condition that the applicant secure a Building Permit for the construction of the shed and carport. In addition, Planning Staff recommends that conditions be imposed that requires drainage from the accessory structures to be directed onto the subject property so as not to impact the adjacent properties. Subject to the recommended conditions, the variances are desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variances associated with the carport in the front yard and the accessory structures in the rear yard are not anticipated to impose any negative impacts on the subject property or any of the surrounding properties subject to the conditions being recommended. Accordingly, the requested variances are considered to be minor in nature.

Respectfully Submitted,



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