

**Filing Date:** November 12, 2020

**Hearing Date:** January 5, 2021

**File:** A-2020-0132

**Owner/  
Applicant:** KARLA ISABEL MELO

**Address:** 42 Clover Bloom Road

**Ward:** 9

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That application A-2020-0132 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 Public Notice;
2. That the gazebo be of an open style construction and shall not be enclosed;
3. That the applicant obtain a building permit for the gazebo within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; and
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 Extended Zone – Special Section 697 (R2B-697)", according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit an existing accessory structure (gazebo) located in the yard of a property occupied by a quattroplex whereas the by-law does not permit accessory structures in this zone (R2B-697);

2. To permit an existing accessory structure (gazebo) having a gross floor area of 24.12 sq. m (259.63 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure.

**Current Situation:**

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

The property is designated “Residential” in the Official Plan and “Medium Density Residential” in the Springdale Secondary Plan (Area 2). The requested variances are not considered to have significant impacts within the context of the Official Plan. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

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

The property is zoned “Residential Extended Zone – Special Section 697 (R2B-697)”, according to By-law 270-2004, as amended. Variance 1 is to permit an existing accessory structure (gazebo) located in the yard of a property occupied by a quattroplex whereas the by-law does not permit accessory structures in this zone and Variance 2 is requested to permit an existing accessory structure (gazebo) having a gross floor area of 24.12 sq. m (259.63 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure.

The intent of the by-law in prohibiting accessory structures within this zone category and in limiting the permitted size of accessory structures is to ensure that the outdoor amenity area of the quattroplex is not dominated by accessory structures. In the case of this request, the accessory structure is an unenclosed gazebo that is intended to enhance the use of the outdoor amenity space by providing shade and shelter. A condition of approval is recommended that the gazebo remain of an open style construction and shall not be enclosed to ensure that the structure does not detract from the outdoor amenity space and remains complementary to it. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

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

The requested variances are intended to facilitate an existing gazebo in the yard of a quattroplex. The structure is intended to complement the outdoor amenity area of the property by providing shade and shelter. Currently, the structure is not enclosed and a condition of approval is recommended that it remain that way to ensure the structure doesn't negatively impact the outdoor amenity space. Given the size of the structure, a building permit is required to ensure compliance with the Ontario Building Code, and as such a condition of approval is recommended that said permit be obtained within 60 days of the final date of the Committee's decision. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances, to facilitate an existing oversized gazebo in the yard of a quattroplex dwelling, are not anticipated to negatively impact the function of the rear yard amenity space. Further, the size and location of the structure are not anticipated to impact adjacent properties, and given the nature of the structure there are no concerns with regard to drainage. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I, Development