



## Report Committee of Adjustment

**Filing Date:** March 5, 2024

**Hearing Date:** April 29, 2025

**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, Planner I

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### **Recommendations:**

That application A-2024-0068 is supportable in part, subject to the following conditions being imposed:

1. That the extent of the Variances 3, 6, 7, 8, 9, 10, 11, 12, 13 be limited to that shown on the sketch attached to the Notice of Decision;
2. That Variances 1,2, 4, 14, and 15 be refused;
3. That Variance 5 requesting to permit a lot coverage of 40% be refused and that a maximum lot coverage of 33.3% be approved and be limited to that shown on a revised Site Plan;
4. The owner shall obtain a building permit for the rear yard gazebo structures within 60 days of the decision of approval or extended at the discretion of the Chief Building Official;
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 the confirmation letter, 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 structures;
6. That drainage for the accessory structures shall not adversely impact the adjacent properties;

7. That the applicant obtains a TRCA permit pursuant to Ontario Regulation 41/24 for the proposed works and the associated review fee of \$995.00 (Works on Private Residential Property – Standard) fee as per the letter dated April 23, 2025;
  8. 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 A(2) (R1A(2))', according to By-law 270-2004, as amended and is located within the Mature Neighbourhood Area.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 1.2m 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 2.587m 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 setback of 0.439m for a garage door opening to a front yard line whereas the by-law requires a minimum setback of 6.0m from a front or flankage line to a carport or garage door opening;
5. To permit a maximum lot coverage of 40% whereas the by-law permits a maximum lot coverage of 25%;
6. 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;
7. 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;
8. 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.

9. 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;
10. 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;
11. To permit an accessory structure (Existing Pergola 'C') having a gross floor area of 37.35 square metres (402 square feet) Whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure;
12. 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;
13. To permit a combined gross floor area of 65.13 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,
14. To permit a semicircular Residential Driveway with a maximum surface area of 64.28% 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; and
15. To permit a garage door having a maximum height of 2.75 metres as an Attached Garage, whereas the by-law permits a maximum garage door height of 2.4 metres.

**Current Situation:**

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

The subject property is designated as 'Community Areas' (Schedule 1A) and 'Neighbourhoods' (Schedule 2) in the Brampton Plan (2023). On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved. Within the 2006 Official Plan, the subject property is designated as 'Residential' and 'Low Density 1 – Residential' in the Bramalea Secondary Plan (Area 3).

The subject property is subject to the Older, Mature Neighbourhoods Official Plan policies which have been put in place to protect established neighbourhoods from incompatible new or replacement dwellings and building additions in which massing, scale and height of the dwellings or building additions should be consistent with the host neighbourhood. Section 4.2.1.20.2 of the Official Plan states dwellings or building additions should be generally consistent with the setbacks, orientation and building separation distances within the host neighbourhood.

As outlined in section 4.2.1 .14 under the general residential policy, the Official Plan states "that in accordance with the Development Design Guidelines, the City recognizes that the key elements of design for residential areas are:

III. Garage placement and driveway design including attached garages, lot widths related to attached garages, rear garages, rear yard garage locations and driveways".

Section 4.11.2.1.2 under the Urban Design section states that the design of the streetscape elements shall be co-ordinated to achieve the following objective to de-emphasize the importance of the car/garage on the streetscapes. The Development Design Guidelines further outlines that the impacts of garages and driveways on the streetscape environment should be minimized. Garage widths shall be balanced within the proportions of the house and lot width they serve. The proposed variances are requested to permit a second attached garage on the subject property and is not considered to be balanced with the proportions with the existing dwelling and lot width.

Following a review of the revised proposal and the neighbourhood context, staff have concerns with variances 1, 2 , 4 and 15 to permit a front yard setback of 1.2m to a proposed ground floor addition (garage); permit a setback of 0.439m for a garage door opening to a front yard line, interior side yard setback of 2.587m, garage door height of 2.75m and associated variance 5 regarding lot coverage which permits a lot coverage of 40% inclusive of the ground floor addition relative to the intent of the Mature Neighbourhood Area policies. They are therefore, not considered to maintain the general intent of the Official Plan or the City's Development Design Guidelines.

In regards to variance 14, the applicant is requesting a semicircular residential driveway having an maximum surface area greater than the by-law permits for a residential driveway. Section 4.2 of the Official Plan provides policies on Residential development. In particular, section 4.2.1.14 (iii) requires driveway design to relate to lot width and be sized accordingly to function as a driveway surface leading to a garage. When a garage is provided, it is considered to assist in providing the required number of parking spaces for the property and the driveway is the logical means to get to the garage. The design of the driveway should be sized and configured accordingly and not in a manner so as to be the primary parking space(s). In addition, the objective of Residential Design Official Plan Policy 4.2.7 is to avoid excessive parking of vehicles in the front yard on driveways and to promote a realistic driveway design that is complementary to the house and lot size. The driveway design for this property is capable of allowing excessive parking in the front yard on the driveway and is not considered to be a realistic design relative to the house and lot size. It is staff's understanding that the additional space on the driveway is to facilitate the construction of the proposed ground floor addition and increase maneuverability for an oversized motor vehicle on the site. The proposed driveway design for this property is capable of allowing excessive parking in the front yard on the driveway and is not considered to be a realistic design relative to the house and lot size.

Regarding variances 3, 6 to 13, are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent of the Official Plan.

## 2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Residential Single Detached A(2) (R1A(2))', according to By-law 270-2004, as amended and is located within the Mature Neighbourhood Area.

### Setbacks for Proposed Ground Floor & Second

Variance 3 is requested to permit an interior side yard setback of 1.952 metres to a proposed ground floor and second floor addition, whereas the by-law requires a minimum interior side yard setback of 2.8 metres. The intent of the by-law in regulating the required side yard setback to an addition is to ensure that sufficient distance is maintained between dwellings and that the massing of the addition does not impose upon the adjacent properties.

The applicant is proposing a minor expansion of the existing attached garage and second storey addition above the existing attached garage located on the east side of the property. In regards to Variance 3, The addition will be located directly above the existing garage and will maintain the existing side yard setbacks of the garage. A 0.848m reduction to the second storey side yard setback is requested from what the by-law permits. The garage wall at the ground floor level maintains the minimum 2.8m minimum Interior side yard width. This reduction is not anticipated to cause significant impacts relating to the visual massing of the dwelling as sufficient separating between the building and adjacent dwelling will be maintained. The Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

### Accessory Structures

Variance 2 is requested 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. The intent of the by-law is to prevent landowners from impacting the drainage and/or public infrastructure. The existing Shed and Pergola are located on an easement running along the rear lot line of the property. Staff note that the applicant previously applied for and obtained the permission of the easement holder Bell Canada for the structures located within the easement as part of Minor Variance Application A18-186. As the site plan sketch for this current submission has changed since the sketch provided in 2018, this easement permission is no longer valid and will need to be updated to reflect the current site conditions. To ensure that the accessory structures do not impact the function of the easement, it is recommended that the applicant obtain a letter of acknowledgement from the easement owner which confirms that they have no concerns with the accessory structures being located within the easement.

Variance 10 is requested 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. 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.

During a site visit for the property (Appendix B) staff observed that the accessory structure (Existing Pergola 'C') contains a bar sink, stove/bbq and refrigerator. The pergola is intended to remain accessory to the primary residential dwelling. A condition of approval is recommended that the accessory structure shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory structure be limited to the provision of bar sink, stove/bbq and refrigerator. Subject to the recommended conditions of approval the requested variance maintains the general intent and purpose of the Zoning By-law.

### *Increase in Accessory Structure Height*

Variances 9 and 12 are being requested in regard to the existing height of two separate accessory structures located in the rear yard of the property.

Variance 9 is requested to permit an accessory structure (existing pergola) having a height of 3.2 metres, whereas the by-law permits an accessory structure having a maximum height of 3.0 metres. To permit an accessory structure (existing pergola) having a height of 3.1 metres, whereas the by-law permits an accessory structure having a maximum height of 3.0 metres. 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 visual massing impacts on adjacent properties.

Variance 9 relates to a 0.20 metres height increase of an existing accessory structure, and Variance 12 relates to a 0.10 metres height increase of an existing accessory structure located in the rear of the subject property. The rear of the subject property is adjacent to open space areas and mature trees which provide screening. There are no adjacent residential properties that would be impacted by the accessory structures. Given the open style design, the location of the structure, and the size of the property, the height of the gazebo is not considered to create negative visual massing impacts on adjacent properties.

Subject to conditions of approval, variances 9 and 12 are considered to maintain the general intent and purpose of the Zoning By-law.

### *Increase in Total Number of Accessory Structures and Gross Floor Area*

Variance 7 is requested 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. Variance 8 is requested to permit an accessory structure (existing pergola) 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. Variance 11 is requested to permit an accessory structure (existing pergola) having a gross floor area of 37.34 square metres (402 sq ft), whereas the by-law permits a maximum gross floor area of 15 square metres for an individual accessory structure. Variance 13 is requested to permit a combined gross floor area of 65.13 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. The intent of the by-law in regulating the maximum permitted floor area of an accessory structure, the combined gross floor area of an accessory structure, and the total number of accessory structures is to ensure that the property is not dominated by structures and that they do not negatively impact the provision of outdoor amenity space.

The accessory structures are intended to enhance the outdoor amenity space in the rear yard and provide for enclosed storage. While the applicant is requesting a combined gross floor area for the accessory structures that is 45.13 sq. m greater than what the by-law permits, the design and nature of the proposed accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the size of the property, the three (3) accessory structures

are not considered to negatively impact the provision of outdoor amenity space for the property. Subject to the recommended conditions of approval, Variances 8, 11 and 13 maintain the general intent and purpose of the Zoning By-law.

The individual gross floor area for the pergola is larger than what the Zoning By-law permits. The proposed structures are planned to be appropriately set back from the adjacent properties. The increased size of the structures are not anticipated to negatively impact the provision of outdoor amenity space or negatively impact the subject property or adjacent properties. Variances 7, 8, 9, 11 and 13 are considered to maintain the general intent and purpose of the Zoning By-law.

*Attached Garage (Front yard Setback, Interior Side Yard Setback, Garage Door Height)*

Variance 1 is requested to permit a front yard setback of 1.2m metres to a proposed ground floor addition (Attached Garage) whereas the by-law requires a minimum front yard setback of 9.0 metres. Variance 2 is requested to permit an interior side yard setback of 2.587m to a proposed ground floor addition (Attached Garage) whereas the by-law requires a minimum interior side yard setback of 2.8 metres. Variance 4 is requested to permit a setback of 0.439m for a garage door opening to a front yard line whereas the by-law requires a minimum setback of 6.0m from a front or flankage line to a carport or garage door opening. The intent of the front yard setback is to provide sufficient opportunities for landscaping at the front of the house and to ensure that vehicles exiting the driveway have sufficient sightlines to detect pedestrians and vehicles using the municipal right-of-way. The setback requirement is also to ensure that buildings are appropriately located relative to the property lines to maintain a certain neighbourhood character, ensure that the garage remains proportional to the rest of the dwelling and to minimize the visual impacts of the garage doors and to maintain a positive streetscape view.

The variance is required to facilitate the construction of a proposed ground floor addition (second attached garage). The addition is planned to extend the garage wall to enclose the space in order to align the garage with the existing front façade. The applicant is proposing to demolish the existing carport located in the front yard to facilitate the construction of the second garage. A 7.80m reduction to the front yard setback and a 5.561m setback for a garage door opening to a front yard line is requested from what the by-law permits. In December 2018, the applicant/owner received approval for two variances regarding a carport in the front yard. In particular, the carport required a variance for a front yard setback of 1.22m. In the Staff Report (Appendix B), staff provided two conditions of approval stating that the existing pergola and carport remain as an “open style” construction (condition 3). In this instance, staff have concerns that the significant reduction to the front yard setback limits site lines on the property and detracts from the character of the mature neighbourhood. The proposed second attached garage in addition to the existing garage will dominate the dwelling, creating a typology that is uncharacteristic of residential areas. This will also create a negative streetscape view as majority of the front view will be dominated by the garage features and width of garage doors.

Variance 15 is requested to permit a garage door having a maximum height of 2.75 metres as an Attached Garage, whereas the by-law permits a maximum garage door height of 2.4 metres. The intent of the by-law in regulating the maximum garage door height for a residential dwelling is to ensure that the garage is not a primary focus of the dwelling’s design, and to ensure that the garage is used for residential purposes. Based on the elevation drawing provided as part of the application materials, the oversized garage door will be visible from the street with a setback of 0.439 metres to the front lot line.

### Lot Coverage

Variance 5 is requested to permit a lot coverage of 40%, whereas the by-law permits a maximum lot coverage of 25%. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property.

The City's Zoning by-law defines coverage as the percentage of the land or lot area covered by buildings. In the case of the subject zone, the maximum lot coverage has the effect of restraining the extent to which some of the other setback requirements can be maximized. The proposed lot coverage represents a 14% increase to the overall permitted coverage. The scope of work for the application is to facilitate a minor increase to the area of the existing garage and second storey on the west side of the property and a proposed ground floor addition on the east side. As noted in the applicant's site plan statistics table, the existing dwelling has a lot coverage of 25%, the proposed additions provide an 8.5% coverage and the accessory structures provide a 6% coverage. Staff have concerns that the proposed ground floor addition located on the east side of the property will contribute to a structure that is well beyond the size of other dwellings in the vicinity and contribute to an overdevelopment of the lot. Through a review of the submitted application materials provided by the owner/applicant, exclusive of the proposed ground floor addition (attached garage) on the east side of the property, the lot coverage would be approximately 33.3%. Subject to the recommended conditions of approval, variance 5 does not maintain the general intent and purpose of the by-law. In this instance, staff would recommend the approval of a reduced lot coverage percentage of 33.3% to facilitate the proposed Ground Floor & Second Floor Addition on the west side of the property and accessory structures.

### Driveway

Variance 14 is requested to permit a semicircular Residential Driveway with a maximum surface area of 64.28% 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. The intent of the By-law in requiring a certain minimum percentage of the front yard to be landscape open space is to ensure that the property has an adequate amount of open/green space at the front and the area has a consistent streetscape within residential areas. In this case, the owner is proposing to increase the current width of the semi-circular driveway to accommodate increased maneuverability for an accessibility vehicle to attend the proposed garage addition at the property. With the removal of the landscaping, staff noticed that the proposal contemplates a substantial amount of hardscaping in the front yard that is considered to be excessive. The requested variance is anticipated to impact the character of the neighbourhood. Subject to the recommended conditions, the requested variance related to the reduced landscaped open space in the front yard is not considered to conform to the intent of the Zoning By-law.

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

Variance 3 is requested to permit a reduced interior side yard setbacks to a proposed second floor addition. The variance is to permit a minor decrease to the side yard setback to a first and second



storey. The reduction is not anticipated to significantly contribute to undesirable visual massing, or shadowing impacts as the proposed extension will maintain the general character of the neighbourhood. Variance 3 is considered desirable for the appropriate development of the land.

Variance 1 requests a front yard setback of 1.2m to a garage addition, variance 2 requests a reduction to the interior side yard setback for a proposed ground floor addition (attached garage), variance 4 requests a 0.439m setback for a garage door opening, variance 5 requests to permit a lot coverage of 40% and variance 15 is requested to permit an increased garage door height. The request to allow a reduced front yard setback, interior side yard setback, garage door height and an increase in the lot coverage for a proposed building addition will alter the character of the area and adversely impact the adjacent residential properties. The addition proposed to this home will not be compatible with the built form of the existing mature neighbourhood. Furthermore, staff have concerns that the proposed ground floor addition (garage) conflicts with the City's Development Design Guidelines, in particular section 1.3 notes the impact of garages and driveways on the streetscape environment should be minimized. The main architectural elements of houses, such as entrances, porches and windows, together with landscaping should be the distinguishing components of the streetscape. The requested variances are not desirable for the appropriate development of the land. Subject to the recommended conditions, the proposed variances 1, 2, 4, 5 and 7 are not desirable for the appropriate development of the land.

Variances 6, 7, 8, 9, 10, 11, 12, and 13 are intended to facilitate the compliance of 3 accessory structures on the property. Due to the large size of the property, the addition of the accessory structures are not considered to create negative visual massing impacts on adjacent properties or reduce the availability of outdoor amenity space. The City's Building staff have reviewed the site visit photos and advised that the two existing rear yard gazebos has been constructed without a building permit. They are indicated as pergolas on the site plan, but site photos indicate that they are roofed, and not opened above. A condition of approval is provided that the owner shall obtain a building permit for the rear yard gazebo structures within 60 days of the decision of approval. Subject to the recommended conditions of approval, Variances 6, 7, 8, 9, 10, 11, 12, and 13 are considered desirable for the appropriate development of the land.

Variance 14 is requested to permit an increased surface area of a semicircle residential driveway by approximately 14.28%. The proposed driveway configuration is not supportable and will contribute to an expansive use of hardscaping on the front yard and lack of permeable materials which may impact adequate drainage for the site. In regards to this application, the applicant/owner have advised that the increase driveway space is required for proposed attached garage and maneuverability for an accessibility vehicle. However, staff are concerned that the proposed extended driveway width can facilitate additional vehicles to be parked on the driveway. Subject to the recommended conditions, the proposed variance is not appropriate for the development of the land.

#### 4. Minor in Nature

Variances 2 and 3 relating to the dwelling's interior side yard setback is requested to permit the proposed addition over the existing garage. The proposed reduction to the second storey side yard setback is not considered to be a significant deviation from the minimum requirements of the by-law and will facilitate the overall design of the addition. Due to the lot size and configuration, the proposed

addition is not anticipated to create adverse impacts related to privacy and massing as it will be screened by the existing trees on the side lot line. Variances 3 is considered 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 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 structures in relation to the surrounding land context does not generate privacy or shadowing impacts. In regards The accessory structures enhance the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. In regards to the semicircular driveway with a maximum surface area that is larger than the by-law permits, staff have observed that there is sufficient amount of landscaping on site. Subject to the recommended conditions of approval, Variances 6, 7, 8,9, 10, 12, and 13 are considered to be minor in nature.

Variances 1, 2 and 4 are requested to reduce the required front yard setback, interior side yard setback and to increase the allowable lot coverage for a proposed ground floor and second floor building addition. Variance 5 is requested to permit a maximum lot coverage of 40%, Variance 14 is requested to permit a semicircular Residential Driveway with a maximum surface area of 64.28% of the front yard area and variance 15 is requested to permit a garage door having a maximum height of 2.75 metres. The requested variances to reduce the required front yard setback, increased garage door height, semicircular residential driveway surface area, and to increase the allowable lot coverage for a proposed ground floor addition (garage) will alter the character of the area and create adverse impacts to nearby properties and the surrounding neighbourhood. Variances 1, 2, 4, 5, 14, and 15 are not minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planner I

Site Visit Photos (Appendix A)







**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,

*Rob Nykyforchyn*

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Robert W. Nykyforchyn, MCIP, RPP  
Development Planner

File: A18-186C05W07.004/ 21T-10020B Phase 2- Draft Plan approval conditions