

Filing Date: December 4, 2020
Hearing Date: January 26, 2021

File: A-2020-0147

**Owner/
Applicant:** RAJDEEP BRAR

Address: 18 Lonetree Court

Ward: 8

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2020-0147 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 applicant obtain a building permit prior to commencing construction;
 3. That the accessory building shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of one washroom and one bar sink;
 4. That the proposed cabana be of a primarily open style construction and shall not be fully enclosed;
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:Existing Zoning:

The property is zoned "Residential Single Detached B – Special Section 1882 (R1B-1882)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (proposed cabana) having a gross floor area of 67.8 sq. m (729.80 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;
2. To permit a combined gross floor area of 77 sq. m. (828.82 sq. ft.) for two accessory structures (proposed cabana and existing shed) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
3. To permit an accessory structure (proposed cabana) to be used for habitable purposes (installation of washroom) whereas the by-law does not permit accessory structures to be used for human habitation.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated “Residential” in the Official Plan and “Low/Medium Density Residential” in the Bram East Secondary Plan (Area 41). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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 Single Detached B – Special Section 1882 (R1B-1882)” according to By-law 270-2004, as amended. The requested variances are intended to facilitate the construction of a cabana in the rear yard of the property.

Variance 1 is to permit an accessory structure (proposed cabana) having a gross floor area of 67.8 sq. m (729.80 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. Variance 2 is to permit a combined gross floor area of 77 sq. m. (828.82 sq. ft.) for two accessory structures (proposed cabana and existing shed) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);

The intent of the by-law in regulating the maximum permitted floor area and number of accessory structures is to ensure that the structures does not negatively impact the provision of outdoor amenity space for the property. Given the size of the rear yard for the property, the proposed oversized cabana, combined with the existing shed do not negatively impact the provision of outdoor amenity space for the property, and the nature of the proposed cabana will complement the use of the outdoor space. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to maintain the general intent of the Zoning By-law.

Variance 3 is intended to permit an accessory structure (proposed cabana) to be used for habitable purposes (installation of washroom) whereas the by-law does not permit accessory structures to be used for human habitation. The intention of this variance is to permit the construction of a washroom and bar sink within the cabana. 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. In the case of the proposed cabana, the limit of the habitable space will include a washroom and bar sink. A condition of approval is recommended that the accessory building shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory building shall be limited to the provision of one washroom and one bar sink to ensure that the function of the cabana as an accessory structure is maintained. Subject to the recommended conditions of approval, Variance 3 is 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 permit the construction of a cabana with a washroom and bar sink within the rear yard of the subject property where there is an existing garden shed. The cabana is intended to complement the use of the pool in the rear yard by having open sides that face the pool area. The rear yard of the property is large in size and the oversized nature of the proposed cabana is not considered to negatively impact the outdoor space for the property, but rather complement the use. The extent of the habitable space to be permitted within the structure, as well as the design of the structure, does not facilitate the use of the structure as a dwelling unit. 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 permit an oversized accessory structure containing habitable space, are intended to enhance the use of the rear yard amenity space. The scale of the habitable space within the structure does not facilitate the use of the structure as a dwelling unit, and the floor area and number of the accessory structures in the yard do not negatively impact the provision of outdoor amenity space. 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