

Filing Date: 14-Apr-2021
Hearing Date: 11-May-2021

File: A-2021-0087

**Owner/
Applicant:** **UBHI RAGHBIR SINGH**

Address: **8 TORTOISE CRT, BRAMPTON, ON**

Ward: 10

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0087 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That roof drainage from the accessory structures shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
 3. That the accessory buildings (cabana 1, cabana 2, pergola and shed) shall not be used as a separate dwelling unit and that the permission for habitable space in the accessory buildings shall be limited to the provision of one washroom and one bar sink;
 4. That the proposed cabanas and pergola be of a primarily open style construction and shall not be fully enclosed;
 5. The applicant acquires a TRCA permit pursuant to Ontario Regulation 166/06;
 6. 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 Rural Estate Two (RE2)', *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (cabana 1) having a gross floor area of 78.25 sq. m (842.28 sq. ft.), whereas the By-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.) for an individual accessory structure;
2. To permit an accessory structure (cabana 1) having a height of 4.57 m (15.0 ft.), whereas the By-law permits a maximum height of 4.5 m (14.76 ft.);
3. To permit an accessory structure (cabana 2) having a gross floor area of 69.32 sq. m (746.15 sq. ft.), whereas the By-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.) for an individual accessory structure;
4. To permit an accessory structure (cabana 2) having height of 5.03 m (16.50 ft.), whereas the By-law permits a maximum height of 4.5 m (14.76 ft.);
5. To permit an accessory structure (pergola) having height of 5.19 m (17.03 ft.), whereas the By-law permits a maximum height of 4.5 m (14.76 ft.);
6. To permit an accessory structure (shed) having a gross floor area of 48.25 sq. m (519.36 sq. ft.), whereas the By-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft) for an individual accessory structure;
7. To permit 4 accessory structures (cabana 1, cabana 2, pergola and shed), whereas the By-law permits a maximum of 2 accessory structures.
8. To permit 4 accessory structures (cabana 1, cabana 2, pergola and shed) having a combined gross floor area of 212.24 sq. m (2284.53 sq. ft), whereas the by-law permits a maximum combined gross floor area of 40 sq. m (430.56 sq. ft.).

Current Situation:

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

The property is designated 'Estate Residential' in the Official Plan and in the Vales of Castlemore Secondary Plan (Area 42). The property is located in the "Upscale Executive Housing Special Policy Area". 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 and purpose of the Official Plan.

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

The property is zoned 'Residential Rural Estate Two' (RE2), *according to By-law 270-2004, as amended.*

Increase in Accessory Structure Height

Variances 2, 4 and 5 are being requested in regards to the proposed height of three separate accessory buildings (cabana 1, cabana 2 and pergola) located in the rear yard of the property.

Variance 2 is required to permit an accessory structure (cabana 1) having a height of 4.57 m (15.0 ft.), whereas the By-law permits a maximum height of 4.5 m (14.76 ft.). Variance 4 is required to permit an accessory structure (cabana 2) having height of 5.03 m (16.50 ft.), whereas the By-law permits a maximum height of 4.5 m (14.76 ft.). Variance 5 is required to permit an accessory structure (pergola) having height of 5.19 m (17.03 ft.), whereas the By-law permits a maximum height of 4.5 m (14.76 ft.).

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. Given the distance between the proposed accessory buildings to the adjacent properties and the existing vegetation surrounding the site, the proposed increase in height of the accessory buildings is not considered to cause negative visual impacts. Variances 2, 4 and 5 are considered to maintain the general intent and purpose of the Zoning By-law.

Increase in Accessory Structure Gross Floor Area

Variances 1, 3 and 6 are being requested in regards to the proposed gross floor area of three separate accessory buildings located in the rear yard of the property. Variance 7 is required to allow for a total of four accessory structures. Variance 8 is required to allow for a combined total gross floor area resulting from the accessory buildings.

Variance 1 is to permit an accessory structure (cabana 1) having a gross floor area of 78.25 sq. m (842.28 sq. ft.), whereas the By-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.). Variance 3 is to permit an accessory structure (cabana 2) having a gross floor area of 69.32 sq. m (746.15 sq. ft.), whereas the By-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.). Variance 6 is to permit an accessory structure (shed) having a gross floor area of 48.25 sq. m (519.36 sq. ft.), whereas the By-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.). Variance 7 is to permit four accessory structures (cabana 1, cabana 2, pergola and shed), whereas the By-law permits a maximum of 2 accessory structures. Variance 8 is to permit 4 accessory structures (cabana 1, cabana 2, pergola and shed) having a combined gross floor area of 212.24 sq. m (2284.53 sq. ft.), whereas the by-law permits a maximum combined gross floor area of 40 sq. m (430.56 sq. ft.).

The intent of the By-law in regulating the maximum permitted gross floor area of an accessory building and the total number of accessory structures, is to ensure that the property is not dominated by structures and to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property. Based on the large size of the property (approximately 8,300 sq. m (89,340.46 sq. ft.)) the proposed increase in accessory structure area does not negatively

impact the availability of amenity space. Variances 1, 3, 6, 7, and 8 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The proposed cabanas, pergola and shed are intended to provide outdoor storage and space for residents of the property. Due to the large size of the property, the addition of the accessory structures will not negatively impact the availability of outdoor amenity space and is proportioned appropriately. Conditions of approval are recommended that the drainage from the roof of the accessory structures shall flow onto the applicant's property and that drainage on adjacent properties shall not be impacted. Subject to conditions of approval, Variances 1, 2, 3, 4, 5, 6, 7, and 8 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an estate residential area of the City of Brampton. Considering the size of the property, the proposed cabanas, pergola and shed will not detract from access to outdoor amenities. Further, a fence and vegetation surrounds the property providing a natural privacy screen, thus limiting the visual impact of the proposed accessory structures on surrounding properties. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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