



Report Committee of Adjustment

Filing Date: May 17, 2021
Hearing Date: June 22, 2021

File: A-2021-0115

**Owner/
Applicant:** IVANO CONTE AND PATTI GALIFI

Address: 34 Odeon Street

Ward: WARD 10

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0115 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 building (cabana) 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, shower, and sink;
 4. That the existing gazebo remain of a primarily open style construction and shall not be fully enclosed; and
 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:

The applicant has constructed a cabana at the rear of the property and requires variances. Upon site visit, additional variances were identified relating to three separate accessory structures.

Existing Zoning:

The property is zoned 'Residential Single Detached A (R1A-1773)', *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit 4 existing accessory structures, whereas the by-law permits a maximum of 2 accessory structures on a residential lot;
2. To permit the Gross Floor Area (GFA) of the existing cabana to be 56m², whereas the by –law permits a maximum GFA of 15m² for an individual accessory structure;
3. To permit a building height of 3.3m for the existing cabana, whereas the by –law permits a maximum building height of 3.0m for an accessory structure;
4. To permit a setback of 0.28m to the existing cabana, whereas the by-law requires a minimum setback of 0.6m to an accessory structure;
5. To permit the Gross Floor Area (GFA) of an existing gazebo to be 16.1m², whereas the by –law permits a maximum GFA of 15m² for an individual accessory structure;
6. To permit a building height of 3.65m for the existing gazebo, whereas the by –law permits a maximum building height of 3.0m for an accessory structure;
7. To permit a 0.3m setback to the existing play structure, whereas the by-law requires a minimum setback of 1.2m to a recreational structure.;
8. To permit a building height of 3.05m for the existing play structure, whereas the by –law permits a maximum building height of 3.0m for an accessory structure;
9. To permit the combined Gross Floor Area (GFA) of four accessory structures to be 80.1m², whereas the by-law permits a maximum combined GFA of 20m² for two accessory structures;
10. To permit a washroom to be included in the cabana creating a habitable space, whereas the by-law does not permit an accessory structure to be used for human habitation.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Executive Residential' in the Vales of Castlemore Secondary Plan (Area 49). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

Increase in Accessory Structure Height

Variances 3, 6, and 8 are being requested in regards to the existing height of three separate accessory structures (cabana, gazebo, and play structure) located in the rear yard of the property.

Variance 3 is required to permit a building height of 3.3m for the existing cabana, whereas the by-law permits a maximum building height of 3.0m for an accessory structure. Variance 6 is required to permit a building height of 3.65m for the existing gazebo, whereas the by-law permits a maximum building height of 3.0m for an accessory structure. Variance 8 is required to permit a building height of 3.05m for the existing play structure, whereas the by-law permits a maximum building height of 3.0m for an accessory structure.

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 3 relates to the 0.30m height increase of the existing cabana. This accessory building is situated at the rear corner of the property which is fenced off creating screening from adjacent properties. The variance is attributable to a portion of the cabana which has a slanted roof. The remainder of the cabana has a flat roof of approximately 2.43m in height. The height of the cabana is not considered to create negative visual massing impacts on adjacent properties.

Variance 6 relates to the 0.65m height increase of the existing gazebo. This accessory structure is situated on an existing concrete slab patio at the rear of the dwelling. The gazebo is of a primarily open style construction and is not enclosed. 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.

Variance 8 relates to the 0.05m height increase of the existing play structure. This play structure consists of a swing set and is situated at the rear of the property. The height of the play structure is not considered to create negative visual massing impacts on adjacent properties.

Subject to conditions of approval, variances 3, 6, and 8 are considered to maintain the general intent and purpose of the Zoning By-law.

Increase in Accessory Structure Gross Floor Area

Variances 2 and 5 are being requested in regards to the proposed gross floor area of two separate accessory buildings (cabana and gazebo) located in the rear yard of the property. Variance 9 is required to allow for a combined total gross floor area resulting from the accessory buildings. Variance 1 is required to allow for a total of four accessory structures.

Variance 2 is to permit the Gross Floor Area (GFA) of the existing cabana to be 56m², whereas the by-law permits a maximum GFA of 15m² for an individual accessory structure. Variance 5 is to permit the Gross Floor Area (GFA) of an existing gazebo to be 16.1m², whereas the by-law permits a maximum GFA of 15m² for an individual accessory structure. Variance 9 is to permit the combined Gross Floor Area (GFA) of four accessory structures to be 80.1m², whereas the by-law permits a

maximum combined GFA of 20m² for two accessory structures. Variance 1 is to permit 4 existing accessory structures, whereas the by-law permits a maximum of 2 accessory structures on a residential lot.

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.

Variance 2 relates to an existing cabana with a gross floor area of 56m² which is 41m² greater than what the by-law permits. This cabana is situated at the rear corner of the property which is fenced off providing screening from adjacent properties. In addition to serving as storage for pool equipment, the cabana is proposed to have a bathroom, shower, and sink to be used in conjunction with the pool. Given the size of the property the structure is not considered to negatively impact the provision of outdoor amenity space for the property.

Variance 5 relates to an existing gazebo with a gross floor area of 16.1m² which is 1.1m² greater than what the by-law permits. The gazebo is situated on an existing concrete slab patio at the rear of the dwelling and is of an open style design. A condition of approval is recommended that the existing gazebo remain of a primarily open style construction and shall not be fully enclosed. Subject to the recommended condition of approval, the gazebo is not considered to negatively impact the provision of outdoor amenity space for the property.

Variance 9 relates to the combined Gross Floor Area (GFA) of four existing accessory structures (cabana, gazebo, shed, and play structure) to be 80.1m², whereas the by-law permits a maximum combined GFA of 20m² for two accessory structures. Additionally, variance 1 is to permit 4 existing accessory structures, whereas the by-law permits a maximum of 2 accessory structures on a residential lot. The total combined GFA is partly attributable to the cabana accounting for 56m². While the total number of accessory structures on the property exceeds the maximum permitted number of accessory structures, they are not considered to dominate the property or negatively impact the provision of outdoor amenity space.

Subject to conditions of approval, variances 2, 5, 9, and 1 are considered to maintain the general intent and purpose of the Zoning By-law.

Reduced Setbacks for Accessory Building

Variances 4 and 7 are being requested in regards to the existing setbacks of two separate accessory buildings (cabana and play structure) located in the rear yard of the property.

Variance 4 is to permit a setback of 0.28m to the existing cabana, whereas the by-law requires a minimum setback of 0.6m to an accessory structure. Variance 7 is to permit a 0.3m setback to the existing play structure, whereas the by-law requires a minimum setback of 1.2m to a recreational structure.

The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage. The proposed reductions are not anticipated to impact drainage for the subject property or adjacent properties. A condition of approval is recommended that roof

drainage from the accessory structures shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted. Subject to conditions of approval, variances 4 and 7 are considered to maintain the general intent and purpose of the Zoning By-law.

Habitable Space

Variance 10 is requested to permit a washroom to be included in the cabana creating a habitable space, 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. The cabana and its facilities are primarily intended to be used in conjunction with the pool and to serve as storage space. A condition of approval is recommended that the accessory building (cabana) 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, shower, and sink. Subject to conditions of approval, variance 10 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the construction of a cabana and bring the other accessory structures on the property to compliance. 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. 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, 8, 9, and 10 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an executive residential area of the City of Brampton. Considering the size and existing conditions of the property, the accessory structures are not anticipated to detract from access to outdoor amenities or create adverse impacts on-site or off-site. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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