



Report Committee of Adjustment

Filing Date: June 3, 2021
Hearing Date: July 13, 2021

File: A-2021-0128

**Owner/
Applicant:** RUPINDER GHAG & JERNAIL JOHAL

Address: 2 BLACK BEAR TRAIL

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0128 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 proposed pavilion roof shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted;
 3. That the pavilion remain of a primarily open style construction and shall not be fully enclosed; 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:

The applicant is proposing to construct a 26.75 sq. m (287.93 sq. ft.) pavilion at the rear yard of the property. Two variances are requested to facilitate the proposed accessory structure.

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B-2732)', *according to By-law 270-2004, as amended.*

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (proposed pavilion) having a gross floor area of 26.75 sq. m (287.93 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 an accessory structure (proposed pavilion) having a height of 3.9m (12.80 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) for an accessory structure.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Low/ Medium Density Residential' in the Bram West Secondary Plan (Area 40c). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit an accessory structure (proposed pavilion) having a gross floor area of 26.75 sq. m (287.93 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 regulating the maximum permitted gross floor area of an accessory building is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property.

The variance relates to an unenclosed pavilion which is proposed to be constructed at the rear of the property. The size of the accessory structure is approximately 11.75 sq. m (126.47 sq. ft.) greater than what the By-law permits. This increase in gross floor area is not anticipated to negatively impact the provision of outdoor amenity space for the property. Subject to the recommended conditions of approval, variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an accessory structure (proposed pavilion) having a height of 3.9m (12.80 ft.) whereas the by-law permits a maximum height of 3.0m (9.84 ft.) from 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.

The variance is required to permit an accessory structure that is 0.9m (2.95 ft.) higher than what the By-law permits. The proposed pavilion is of a primarily open style construction and is not enclosed. Given the open style design, the location of the structure and screening provided by way of fencing and trees, the increased height of the accessory structure is not anticipated to create significant visual massing impacts on adjacent properties.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the construction of a pavilion. The addition of the accessory structure is not anticipated 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 and that the pavilion remain of a primarily open style construction and shall not be fully enclosed. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Given the open style design, the location of the structure and screening provided by way of fencing and trees, the size and height of the accessory structure is 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 minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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