



## Report Committee of Adjustment

**Filing Date:** July 5, 2021  
**Hearing Date:** August 3, 2021  
**File:** A-2021-0152  
**Owner/  
Applicant:** Jose Pinheiro and Arminda Pinheiro  
**Address:** 2 Gladeview Court  
**Ward:** WARD 4  
**Contact:** François Hémon-Morneau, Planner I

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### **Recommendations:**

That application A-2021-0152 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 building (cabana) 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 applicant is to install temporary tree protection fencing around the canopy drip line of adjacent trees larger than 15 cm diameter as measured at breast height. No disturbance or construction shall occur within the tree protection area;
  5. That the existing municipal curb depression shall not be widened in the area of the extended driveway width; and,
  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:**

The applicant has applied for a Minor Variance application to facilitate the construction of a cabana located in the rear yard of the property. The accessory building requires variances to permit the proposed gross floor area, building height, and height of doors. Upon site inspection, two additional variances were identified relating to an existing widened driveway and a permeable landscape strip.

Existing Zoning:

The property is zoned 'Residential Single Detached (R1E-18-2861)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory building (proposed cabana) having a gross floor area of 45.58 sq. m (490.26 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory building;
2. To permit an accessory building (proposed cabana) with a building height of 3.71m (12.17 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.) for an accessory building;
3. To permit the doors to an accessory building (proposed cabana) to have a height of 2.74m (9 ft.) whereas the by-law permits a maximum door height of 2.4m (7.87 ft.) on an accessory building;
4. To permit an existing driveway width of 11.0m (36.09 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.); and,
5. To permit a 0.0m permeable landscaping between the existing driveway and the side lot line whereas the by-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) along the side lot line.

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low Density 2' in the Credit Valley Secondary Plan (Area 45). 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

Variance 1, 2, and 3 are requested in regards to the proposed accessory building (cabana) located in the rear yard.

Variance 1 is requested to permit an accessory building (proposed cabana) having a gross floor area of 45.58 sq. m (490.26 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory building. 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 building does not negatively impact the provision of outdoor amenity space for the property.

Based on the large size of the property being approximately 1,571.39 sq. m (16914.30 sq. ft.), the proposed gross floor area of the cabana is not anticipated to negatively impact the availability of amenity space. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an accessory building (proposed cabana) with a building height of 3.71m (12.17 ft.) whereas the by-law permits a maximum building height of 3.0m (9.84 ft.) for an accessory building. The intent of the by-law in regulating the permitted height of an accessory building is to ensure that the building does not have negative visual massing impacts on adjacent properties.

The height of the accessory building with a flat roof design is proposed to be 0.71m (2.33 ft.) higher than what the by-law permits. Given the distance between the proposed accessory building and adjacent dwellings the proposed increase in height of the accessory buildings is not considered to cause negative visual massing impacts. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit the doors to an accessory building (proposed cabana) to have a height of 2.74m (9 ft.) whereas the by-law permits a maximum door height of 2.4m (7.87 ft.) on an accessory building. The intent of the By-law in regulating the maximum height of an accessory building door is to ensure that the accessory building does not have a commercial appearance or allows for the storage of large equipment from being stored on residential properties.

In the case of the subject cabana, the height of the sliding doors are 0.34m (1.13 ft.) higher than what the by-law permits. The scale of the sliding doors are keeping with the overall design and appearance of the proposed cabana. The doors of the accessory building are not anticipated to create a commercial appearance or facilitate the storage of large equipment. The requested variance is considered to maintain to the general intent and purpose of the Zoning By-law.

Variances 4 and 5 relates to an existing widened driveway and the removal of permeable landscaping between the existing driveway and the side lot line.

Variance 4 is requested to permit an existing driveway width of 11.0m (36.09 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.). Variance 5 is requested to permit a 0.0m permeable landscaping between the existing driveway and the side lot line whereas the by-law requires a minimum permeable landscape strip of 0.6m (1.97 ft.) along the side lot line. The intent of the By-law in regulating the maximum permitted driveway width and requiring a minimum permeable landscape strip along the interior lot line is to ensure that the driveway does not dominate the front yard landscaped area that sufficient space is provided for drainage and that drainage on adjacent properties is not impacted.

The existing driveway width is 1.86m (6.09 ft.) wider than what the by-law permits and portions of the driveway spans to the western property line. In this case, the subject property is a corner lot with frontages on Gladeview Court and Churchville Road. The existing driveway consist of interlock and is not considered to impact drainage or contribute to a significant loss of landscaped open space on the

property. While the driveway does not maintain the full front yard landscaping requirements, the existing condition of the driveway is not out of character for the area. In this case, the materials used maintain the spirit and intent of the Zoning By-law by not visually dominating the front yard of the property. Subject to the recommended conditions of approval, the variances are considered to maintain the general intent and purpose of the Zoning By-law.

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

Variances 1, 2, and 3 are requested to facilitate the construction of an accessory building (cabana) in the rear yard of the property. Due to the large size of the property, the addition of the accessory building is not anticipated to negatively impact the availability of outdoor amenity space and the size, height, and doors of the cabana are considered to be appropriate. Conditions of approval are recommended that the drainage from the roof of the accessory building shall flow onto the applicant's property and that drainage on adjacent properties shall not be impacted. It is also 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, Variances 1, 2, and 3 are considered to be desirable for the appropriate development of the land.

Variances 4 and 5 relate to an existing widened driveway and the removal of permeable landscaping between the existing driveway and the side lot line. The existing conditions of the driveway is not out of character for neighbourhood and does not pose negative impacts. A condition of approval is recommended that the existing municipal curb depression shall not be widened in the area of the extended driveway width. Further, and to minimize the potential for negative impacts to the drainage resulting from the driveway extending to the property line, a condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. 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 subject property is located within a residential area of the City of Brampton with large lots. Considering the size of the property, the proposed cabana will not detract from access to outdoor amenities and the height of the building is not anticipated to create negative visual massing impacts on surrounding properties. The existing interlock driveway extends from the front entrance steps to the side lot line. In this case, no negative impacts are anticipated from the existing conditions of the driveway. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

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