



## Report Committee of Adjustment

**Filing Date:** July 26, 2021  
**Hearing Date:** August 24, 2021

**File:** A-2021-0169

**Owner/  
Applicant:** RAGHBIR UBHI

**Address:** 8 Tortoise Court

**Ward:** 10

**Contact:** François Hémon-Morneau, Planner I

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### Recommendations:

That application A-2021-0169 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 the applicant submits \$610 review fee to TRCA as outlined in their letter dated August 17, 2021;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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### Background:

A previous Minor Variance application was approved at the May 11, 2021 Committee of Adjustment hearing. Application A-2021-0087 sought to permit four accessory structures and related variances for height and gross floor area of the structures. The applicant is now returning to the Committee to seek the approval of additional variances related to an additional proposed accessory structure (fireplace) located in the rear yard of the property.

### 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 (fireplace) having height of 3.96m (13 ft.), whereas the By-law permits a maximum height of 3.5m (11.48 ft.);
2. To permit five (5) accessory structures, whereas the By-law permits a maximum of two (2) accessory structures;
3. To permit a combined gross floor area of 220.84 sq. m (2377.1 sq. ft) for five (5) accessory structures (cabana 1, cabana 2, pergola, shed, and fireplace) 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

Variance 1 is requested to permit an accessory structure (fireplace) having height of 3.96 m (13 ft.), whereas the By-law permits a maximum height of 3.5 m (11.48 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 structure (fireplace) 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. Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit five (5) accessory structures, whereas the By-law permits a maximum of two (2) accessory structures. Variance 3 is requested to permit a combined gross floor area of 220.84 sq. m (2377.1 sq. ft) for five (5) accessory structures (cabana 1, cabana 2, pergola, shed, and fireplace) 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 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

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

The current Minor Variance application is related to the approved Minor Variance A-2021-0087 which sought to permit a number of accessory structures and related variances for height and gross floor area of the structures. The current application relates to an additional proposed fireplace which is intended to enhance the outdoor amenity space for residents of the property. Due to the large size of the property, the addition of the fireplace is not anticipated to negatively impact the availability of outdoor amenity space. Subject to conditions of approval, Variances 1, 2, and 3 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. Considering the size of the property, the proposed fireplace, in addition to the already approved accessory structures, will not detract from access to outdoor amenity space. Further, a fence and vegetation surrounds the property providing a natural privacy screen, thus limiting the visual impact of the proposed accessory structure 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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