



Report Committee of Adjustment

Filing Date: August 30, 2021

Hearing Date: October 5, 2021

File: A-2021-0204

**Owner/
Applicant:** TARANJIT BHANDOL AND HUNNY GAWRI

Address: 23 Valleyside Trail

Ward: WARD 8

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0204 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 proposed pergola and gazebo/cabana and existing day bed enclosure 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:

Existing Zoning:

The property is zoned 'Residential Single Detached A (R1A-1805)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) whereas the by-law permits a maximum of two (2) accessory structures;
2. To permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) with a combined gross floor area of 59.31 sq. m (638.41 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.);
3. To permit an accessory structure (pergola) having a gross floor area of 22.76 sq. m (245 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;
4. To permit an accessory structure (gazebo/cabana) having a gross floor area of 20.81 sq. m (224. 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;
5. To permit an existing accessory structure (shed) having a rear yard setback of 0.19m (0.62 ft.) and a side yard setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines.

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 Density' and Special Policy Area 4 (McVean Corridor) in the Bram East Secondary Plan (Area 41). 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 Total Number of Accessory Structures and Gross Floor Area

Variance 1 is requested to permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) whereas the by-law permits a maximum of two (2) accessory structures. Variance 2 is requested to permit four (4) accessory structures (pergola, gazebo/cabana, shed and day bed enclosure) with a combined gross floor area of 59.31 sq. m (638.41 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.). Variance 3 is requested to permit an accessory structure (pergola) having a gross floor area of 22.76 sq. m (245 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. Variance 4 is requested to permit an accessory structure (gazebo/cabana) having a gross floor area of 20.81 sq. m (224. 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 structure, the combined gross floor area, and the total number of accessory structures is to ensure

that the property is not dominated by structures and that they do not negatively impact the provision of outdoor amenity space.

The existing (shed and day bed enclosure) and proposed (pergola and gazebo/cabana) structures are intended to enhance the outdoor amenity space in the rear yard and provide storage space for the household. While the applicant is requesting a combined gross floor area for accessory structures that is 39.31 sq. m (423.13 sq. ft.) greater than what the By-law permits, the design and nature of the accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the size of the property the four (4) accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property.

The individual gross floor area for the pergola and gazebo/cabana are larger than what the Zoning By-law permits. The proposed structures are planned to be appropriately setback from adjacent properties and their heights maintain the By-law requirements. The increased size for the proposed structures are not anticipated to negatively impact the provision of outdoor amenity space or negatively impact the subject property or adjacent properties. Variances 1, 2, 3, and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

Reduced Setbacks for Accessory Building

Variance 5 is requested to permit an existing accessory structure (shed) having a rear yard setback of 0.19m (0.62 ft.) and a side yard setback of 0.30m (0.98 ft.) whereas the by-law requires a minimum setback of 0.6m (1.97 ft.) to the nearest lot lines. The intent of the by-law in requiring minimum setbacks for accessory structures is to ensure sufficient space is provided for drainage.

The existing shed is situated at the southeast corner of the rear yard and requires a variance to allow rear yard and side yard setback reductions. A setback reduction of 0.41m (1.35 ft.) to the rear yard and 0.30m (0.98 ft.) to the side yard is requested. While the setbacks of the existing shed 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 the recommended conditions of approval, variance 5 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 pergola and cabana/gazebo and bring the other existing accessory structures (shed and day bed enclosure) 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 in the rear yard. 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. Furthermore, a condition of approval is recommended that the proposed pergola and gazebo/cabana and existing day bed enclosure remain of a primarily open style construction and shall not be fully enclosed. Subject to conditions of approval, Variances 1, 2, 3, 4, and 5 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 with relatively large property sizes. Considering the size and conditions of the property, the existing and proposed 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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