



Report Committee of Adjustment

Filing Date: September 9, 2021

Hearing Date: October 5, 2021

File: A-2021-0217

**Owner/
Applicant:** KAINTH HARJINDER

Address: 30 Snowdrope Place

Ward: WARD 10

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0217 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. The owner shall obtain a building permit for both accessory structures within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official;
 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 has submitted a Minor Variance application to allow two existing oversized accessory structures which were constructed without a permit.

Existing Zoning:

The property is zoned 'Residential Single Detached A (R1A-2042)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing accessory structure (shed) with a gross floor area of 30.9 sq. m (322.60 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 existing accessory structure (gazebo) with a gross floor area of 15.3 sq. m (164.69 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;
3. To permit 2 existing accessory structures having a combined gross floor area of 46.2 sq. m (497.29 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.) for 2 accessory structures.

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 42). 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

Variance 1 is requested to permit an existing accessory structure (shed) with a gross floor area of 30.9 sq. m (322.60 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 2 is requested to permit an existing accessory structure (gazebo) with a gross floor area of 15.3 sq. m (164.69 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 3 is requested to permit 2 existing accessory structures having a combined gross floor area of 46.2 sq. m (497.29 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.) for 2 accessory structures.

The intent of the By-law in regulating the maximum permitted gross floor area of an accessory structure and the combined gross floor area 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 variances are requested to allow two existing oversized accessory structures that were constructed in the rear yard. The shed is located on the northern corner of the property and is appropriately setback from the property line and maintains the height requirements for accessory structures. The gazebo is situated along the northwestern corner of the property and is also appropriately setback from the property line and maintains the height requirements for accessory

structures. Given the locations of the structures and their design, they are not anticipated to impact drainage or limit the provision of outdoor amenity space. The requested combined gross floor area for the two accessory structures does not generate a sense that the property is dominated by the structures. Subject to the recommended conditions of approval, variances 1, 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 applicant is requesting three variances to allow two existing oversized accessory structures in the rear yard of the property. The size, location, and design of the structures are not considered to limit the overall provision of amenity space or contribute to a sense that the property is dominated by structures. 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. A further condition is recommended that owner shall obtain a building permit for both accessory structures within 60 days of the decision of approval or as extended at the discretion of the Chief Building Official. Subject to the recommended conditions of approval, the variances are deemed 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 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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