

**Filing Date:** September 18, 2020

**Hearing Date:** October 20, 2020

**File:** A-2020-0088

**Owner/  
Applicant:** NAVIN SEODARSAN AND TINA BAKSH

**Address:** 62 Burlwood Road

**Ward:** 10

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That application A-2020-0088 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 Public Notice;
2. That the accessory building 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 a toilet and sink;
3. That a building permit be obtained for the accessory structure within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official; 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 – Special Section 2039 (R1A-2039)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an accessory structure (cabana) to include habitable space (installation of washroom) whereas the by-law does not permit accessory structures to be used for human habitation.

### **Current Situation:**

#### **1. Conforms to the Intent of the Official Plan**

The property is designated "Residential" in the Official Plan and "Executive Residential" in the Vales of Castlemore Secondary Plan (Area 42). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

#### **2. Conforms to the Intent of the Zoning By-law**

The property is zoned "Residential Single Detached A – Special Section 2039 (R1A-2039)" according to By-law 270-2004, as amended. The requested variance is required to permit an accessory structure (cabana) to include habitable space (installation of washroom) whereas the by-law does not permit accessory structures to be used for human habitation.

The intent of the by-law in prohibiting accessory structures to be used for human habitation is to ensure that the structures remain accessory to the primary residence. The proposed variance will not allow the creation of a living unit within the structure, but rather a toilet and sink to complement the outdoor amenity area. A condition of approval is recommended that the extent of the habitable space within the cabana be limited to the provision of a sink and toilet to ensure that the habitable space does not expand into a living unit. Subject to the recommended conditions, the requested variance is considered to maintain the general intent of the Zoning By-law.

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

The requested variance to permit the establishment of a washroom in the cabana in the rear yard will complement the outdoor amenity space and will not facilitate a dwelling unit within the accessory structure. A condition of approval is recommended that a building permit be obtained for the accessory structure within 60 days of the final date of the Committee's decision to ensure the structure is constructed in accordance with the Ontario Building Code. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

#### **4. Minor in Nature**

The requested variance is intended to permit the establishment of a sink and toilet in the cabana adjacent to the existing pool. The variance will not allow for a living unit to be established in the cabana and the proposed washroom will complement the outdoor amenity space. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I, Development