



Report Committee of Adjustment

Filing Date: September 17th 2021
Hearing Date: October 26th 2021

File: A-2021-0218

**Owner/
Applicant:** KARL PHILLIPS

Address: 24 Marlow Place

Ward: WARD 7

Contact: Elaha Safi, Assistant Development Planner

Recommendations:

That application A-2021-0218 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 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;
 3. The owner shall obtain a building permit for the existing cabana and sunroom within 60 days of the decision of approval or as extended 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 B(1) 113', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variance(s):

1. To permit an accessory structure (existing cabana) with a gross floor area of 16.72 sq. m (179.97 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 3 accessory structures (cabana, shed, children's play structure) whereas the by-law permits a maximum of 2 accessory structures;
3. To permit 3 accessory structures having a combined gross floor area of 29.2 sq. m (314.31 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;
4. To permit an interior side yard setback of 1.13m (3.71 ft.) to an existing accessory structure (shed) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.);
5. To permit a washroom in an existing accessory structure (cabana) whereas the by-law does not permit human habitation in an accessory structure.

Current Situation:

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

The property is designated 'Residential' in Schedule A of the Official Plan. The property is located within the Bramalea Secondary Plan (Area 3) and is designated Low Density 1 Residential. The requested variances have no impact within the context of the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit an accessory structure (cabana) having a gross floor area of 16.72 sq. m. (179.97 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 three (3) accessory structure whereas the by-law permits a maximum of two (2) accessory structures. Variance 3 is requested to permit three (3) accessory structures with a combined gross floor area of 29.2 sq. m. (314.30 sq. ft.) whereas the bylaw permits a maximum combined gross floor area of 20 sq. m. (215.28 sq. ft.).

The intent of the By-law in regulating the gross floor area of an individual accessory structure, the total number of accessory structures and the maximum combined gross floor area of all 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 individual gross floor area for the cabana is 1.72 sq. m. (18.51 sq. ft.) greater than what the Zoning By-law permits. The structure is appropriately setback from adjacent properties and the

heights maintain the By-law requirements. The increased size for the cabana is not anticipated to negatively impact the provision of outdoor amenity space or negatively impact the subject property or adjacent properties.

The existing structures (shed, cabana, play structure) are intended to enhance the outdoor amenity space in the rear and side yard and provide storage space for the household. While the applicant is requesting a combined gross floor area for accessory structures that is 9.2 sq. m (99 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 three (3) accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property.

Variance 4 is requested to permit an interior side yard setback of 1.13m (3.71) to an existing accessory structure (shed) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.).

The intent of the by-law in requiring a minimum interior side yard setback of 1.2m is to ensure that there is sufficient space is maintained for drainage and access to the rear yard. The irregular shape of the lot allows sufficient space between the shed and the dwelling to access the side and rear yards, and will not negatively impact drainage.

Variance 5 is requested to permit a washroom in an existing accessory structure (cabana) whereas the by-law does not permit human habitation in an accessory structure. The intent of the by-law in prohibiting habitable space within accessory structures is to ensure that the structures are not used for human habitation and remain accessory to the primary residential dwelling

The existing cabana is proposed to contain a washroom, which according to the Zoning By-law, is classified as habitable space within the accessory structure. The cabana is intended to remain accessory to the primary residential dwelling. A condition of approval is 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 the recommended conditions of approval, the requested variance maintains 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 accommodate and bring into compliance the existing accessory structures (shed, cabana, play structure). Due to the irregular shape of the lot, the number of accessory structures, size and the habitable space contained within the cabana is not anticipated to cause negative visual impacts or contribute to a loss of outdoor amenity space. An additional variance relating to an existing shed is requested to permit the structure to encroach on the required interior side yard. The location of the shed is not considered to generate negative on-site or off-site impacts.

A condition of approval is 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. A further condition is recommended that

the owner shall obtain a building permit for the existing cabana and existing sunroom 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,

Elaha Safi

Elaha Safi, Assistant Development Planner