



## Report Committee of Adjustment

Filing Date: June 15, 2022  
Hearing Date: August 2, 2022

File: A-2022-0197

Owner/  
Applicant: SWAPNIL GUPTA AND SHILPA ARORA

Address: 112 Pappain Crescent

Ward: WARD 2

Contact: François Hémon-Morneau, Planner III

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### Recommendations:

That application A-2022-0197 is supportable, subject to the following condition 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 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 C (R1C-795)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (proposed gazebo) having a gross floor area of 17.78 sq. m (191.38 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 accessory structure (proposed play structure) having a gross floor area of 17.55 sq. m (188.91 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 three (3) accessory structures (gazebo, shed and play structure) whereas the by-law permits a maximum of two (2) accessory structures;
4. To permit a combined gross floor area of 42.53 sq. m (457.79 sq. ft.) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.) for two (2) accessory structures.

**Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Snelgrove Heart-Lake Secondary Plan (Area 1). The nature and extent of the proposed 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**

The first variance is requested to permit an accessory structure (proposed gazebo) with a gross floor area of 17.78 sq. m (58.33 sq. ft.) whereas the by-law permits a maximum size of 15 sq. m (161.46 sq. ft.) for an individual accessory structure.

The second variance is requested to permit an accessory structure (proposed play structure) with a gross floor area of 17.55 sq. m (57.57 sq. ft.) whereas the by-law permits a maximum size of 15 sq. m (161.46 sq. ft.) for an individual accessory structure.

The third variance is requested to permit three (3) accessory structures (gazebo, shed, play structure) whereas the by-law permits a maximum of two (2) accessory structures.

The third variance is requested to permit a combined gross floor area of 42.53 sq. m (139.53 sq. ft.) for three (3) accessory structures whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.) for two accessory structures.

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 on a residential to property is to ensure that the property is not dominated by structures and that they do not negatively impact the provision of outdoor amenity space or adjacent properties.

The proposed gazebo, shed, and play structure are intended to enhance the outdoor amenity space in the rear yard and to provide for enclosed storage. The 17.78 sq. m (58.33 sq. ft.) hard top gazebo is proposed to be located on an existing concrete pad in the rear yard. The 17.55 sq. m (57.57 sq. ft.) play structure is proposed to be constructed in the northern corner of the rear yard. The structures will comply with minimum setback and height requirements and are not anticipated to negatively impact adjacent properties or contribute to a sense that the property is dominated by structures. Additionally, given the size of the rear yard, the three accessory structures are not considered to negatively impact

the provision of outdoor amenity space for the property. The requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The owners are requesting variances to allow a proposed gazebo, play structure, and a shed in the rear yard of the residential property. The subject property is a pie-shaped lot with a large rear yard. Given the size of the lot and rear yard, the number and overall size of the accessory structures are not anticipated to cause negative visual impacts or contribute to a significant loss of outdoor amenity space. It is noted that all proposed structures will maintain minimum setback and height requirements. As a result, no negative impacts are anticipated on-site or off-site. The variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an established residential area of the City with medium sized rear yards. Considering the shape and size of the property, the 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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