



## Report Committee of Adjustment

**Filing Date:** July 21, 2022  
**Hearing Date:** August 23, 2022

**File:** A-2022-0228

**Owner/  
Applicant:** RAJAN RUHELA AND HEMA RUHELA

**Address:** 24 Gladeview Court

**Ward:** WARD 4

**Contact:** François Hémon-Morneau, Planner III

---

### **Recommendations:**

That application A-2022-0228 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 structure (existing enclosed 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. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **Background:**

The owners of the property are proposing to construct an oversized open sided cabana in the rear yard of the property. Upon site inspection, additional variances were identified relating to an existing enclosed cabana including habitable floor area and an existing widened driveway.

### Existing Zoning:

The property is zoned 'Residential Single Detached E-18 (R1E-18-2861)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (proposed open sided cabana) with a gross floor area of 44.6 sq. m (480.07 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 driveway width of 11.03m (36.19 ft.) whereas the by-law permits a maximum driveway width of 9.14m (30 ft.);
3. To permit an accessory structure (existing enclosed cabana) to include habitable floor area (powder room) whereas the by-law does not permit an accessory structure to be used for human habitation;
4. To permit a combined gross floor area of 53.7 sq. m (578.02 ft.) for two (2) accessory structures (existing enclosed cabana and proposed open sided cabana) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.).

**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 1' in the Credit Valley Secondary Plan (Area 45). 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 open sided cabana) with a gross floor area of 44.6 sq. m (480.07 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 fourth variance is requested to permit a combined gross floor area of 53.7 sq. m (578.02 ft.) for two (2) accessory structures (existing enclosed cabana and proposed open sided cabana) whereas the by-law permits a maximum combined gross floor area of 20 sq. m (215.28 sq. ft.). 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 owners of the property are proposing to construct an open sided cabana) in the rear yard of the property. The cabana will be constructed with an open sided design and flat roof. While the size of the cabana is proposed to be 29.6 sq. m (318.61 sq. ft.) larger than what the by-law permits, its location will comply with all other Zoning By-law regulations. Although there is an existing accessory structure in the rear yard, the addition of the oversized open sided cabana and existing enclosed cabana is not anticipated to negatively impact the amount of outdoor amenity space or result in a sense that the property is dominated by structures. Variances 1 and 4 are considered to maintain the general intent and purpose of the Zoning By-law.

The second variance is requested to permit an existing driveway width of 11.03m (36.18 ft.), whereas the by-law permits a maximum driveway width of 9.14m (30 ft.). The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling.

The owners have constructed a driveway in which a portion exceeds the maximum permitted width. The majority of the driveway including the portion located at the right of way complies with the maximum driveway width except for an extended area located in front of the front porch steps. The portion of the driveway considered to be part of the driveway because there is no physical barrier separating the driveway from a walkway and is capable of accommodating a vehicle. The area is not considered to negatively impact the streetscape or facilitate the parking of an excessive number of vehicles. A sufficient amount of open space landscaping is maintained on the property. Subject to the recommended condition of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

The third variance is requested to permit an accessory structure (existing enclosed cabana) to include habitable floor area (powder room) whereas the by-law does not permit an accessory structure to be used for human habitation. 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 accessory structure contains plumbing for a powder room 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 structure (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 owners are requesting variances to facilitate the construction of a proposed oversized open sided cabana and the total combined gross floor area of accessory structures located in the rear yard of the residential property. An additional variance is requested to allow plumbing for the powder room in the existing cabana. The subject property is located on a lot with a large rear yard and sufficient separation between adjacent properties. Given the size of the lot and rear yard, the overall size of the proposed cabana is not anticipated to cause negative visual impacts or contribute to a significant loss of outdoor amenity space. It is noted that all proposed structure will maintain minimum setback requirements. As a result, no negative impacts are anticipated on-site or off-site. A variance is requested to allow the existing site conditions relating to the width of the driveway. A significant amount of open landscaping is maintained at the front of the property and the additional width is not considered to facilitate the parking of an excessive number of vehicles. Variances 1, 2, 3, and 4 are considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The subject property is located on a Court within a residential area of the City with medium to large sized lots. Considering the size and context of the property, the proposed accessory structure is not anticipated to detract from access to outdoor amenity space or create adverse impacts on-site or off-site. The existing driveway width is considered to be proportional to the size of the lot and dwelling while maintaining open landscaping at the front of the property. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

Respectfully Submitted,

*François Hémon-Morneau*

François Hémon-Morneau, Planner III