



## Report Committee of Adjustment

**Filing Date:** August 10, 2022

**Hearing Date:** September 13, 2022

**File:** A-2022-0254

**Owner/**

**Applicant:** ANDREA CARNEIRO AND STEVE MACEDO

**Address:** 584 Queen Mary Drive

**Ward:** WARD 6

**Contact:** Simran Sandhu, Assistant Development Planner

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### **Recommendations:**

That application A-2022-0254 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the accessory structure (cabana) shall not be used as a separate dwelling unit and that permission for habitable space in the accessory building shall be limited to the provisions of one washroom;
  3. 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 F (R1F-9-2452)', 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 a habitable floor area (installation of a washroom) whereas the by-law does not permit an accessory structure to be used for human habitation.

### **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Low/ Medium Density Residential' in the Mount Pleasant Secondary Plan (Area 51). The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintains the general intent and purpose of the Official Plan.

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

The variance is requested to permit an accessory structure (cabana) to include a habitable floor area (installation of a washroom) 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 an accessory structure is to ensure that the structures are not used for human habitation and remain accessory to the primary residential dwelling.

The proposed accessory structure will contain plumbing for 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 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 provisions of one washroom. 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 cabana to allow plumbing for a washroom within the cabana. The subject property is located on a lot with a large rear yard and given the size of the lot and rear yard, overall size of the proposed cabana is not anticipated to cause negative visual impact or contribute to a significant loss of outdoor amenity space. It is noted that the proposed structure will maintain minimum setback requirements. As a result, no negative impacts are anticipated on-site or off-site. The variance is considered to be desirable for the appropriate development of land.

4. Minor in Nature

The subject property is located within a new residential area of the City with medium 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. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner