



Report Committee of Adjustment

Filing Date: September 06, 2022

Hearing Date: October 04, 2022

File: A-2022-0288

**Owner/
Applicant:** HARPREET LUTHRA & PARMINDER LUTHRA

Address: 42 Leone Lane

Ward: WARD 10

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0288 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 owner finalize site plan approval under City File SPA-2022-0125 and execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That no commercial or industrial uses shall operate from the attached garage;
 4. That the proposed fence in the required front yard not be a soil fence;
 5. That the owner shall obtain a building permit for the existing gazebo within 60 days of the decision of approval;
 6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant is requesting variances to facilitate the construction of a new dwelling on the property. The development is related to an ongoing Site Plan Approval application (SPA-2022-0125).

Existing Zoning:

The property is zoned 'Residential Rural Estate 2 (RE2-1500)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a garage door height of 3.05m (10 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.);
2. To permit a building height of 15.10m (49.54 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.);
3. To permit a front yard landscaped open space area of 60.70% whereas the by-law requires a minimum landscaped open space area of 70% of the front yard;
4. To permit a fence in the required front yard having a maximum height of 1.8m (5.91 ft.) whereas the by-law permits a maximum height of 1.0m (3.28 ft.) for a fence within a required front yard;
5. To permit two (2) accessory structures (shed and gazebo) with a combined gross floor area of 59.9 sq. m (644.76 sq. ft.) whereas the by-law permits two (2) accessory structures with a maximum combined gross floor area of 40 sq. m (430.56 sq. ft.);
6. To permit an accessory structure (gazebo) with a gross floor area of 41.82 sq. m (450.15 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.57 sq. ft.) for an individual accessory structure;
7. To permit an accessory structure (gazebo) with a maximum building height of 4.66m (15.29 ft.) whereas the by-law permits a maximum height of 4.5m (14.76 ft.) for an accessory structure.

Current Situation:

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

The property is designated 'Estate Residential' in the Official Plan and is located within the Toronto Gore Rural Estate (Area 26). 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

Variance 1 is requested to permit a garage door height of 3.05m (10 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.). Variance 2 is requested to permit a building height of

15.10m (49.54 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.). The intent of the by-law in regulating the maximum permitted garage height and building height for a property is to ensure that there are no negative massing, shadowing, and privacy impacts on adjacent properties with residential zones.

Given that the proposed dwelling will be situated on a 0.81 hectares (2.00 acres) lot and is located in a rural estate residential area, the 0.65m (2.13 ft.) increase in garage door height and the 4.5m (14.76 ft.) increase in building height is not anticipated to create any adverse impacts related to shadowing, privacy, or massing. In this case, the garage doors will not be facing the street and their height will be keeping with the overall appearance and scale of the dwelling. As such, the increased garage door height and design is intended to be proportional to the size of the dwelling. In order to ensure that the increased garage door height does not facilitate the parking of oversized motor vehicles, a condition is recommended that no commercial or industrial uses be conducted from the attached garage. Furthermore, the increased building height is not considered to be impact the character of the area which is defined by large estate homes. Subject to the recommended conditions of approval, the requested variances are to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a front yard landscaped open space area of 60.70% whereas the by-law requires a minimum landscaped open space area of 70% of the front yard. The intent of the by-law in requiring a certain minimum percentage of the front yard to be landscape open space is to ensure that the property has an adequate amount of open/green space at the front and the area has a consistent streetscape.

The applicant is requesting a 9.3% reduction to the landscaped open space for the required front yard. This reduction is not anticipated to result in an inadequate amount of open green space at the front to the property or contribute to an inconsistent streetscape. The requested variance is considered to maintain the intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a fence in the required front yard having a maximum height of 1.8m (5.91 ft.) whereas the by-law permits a maximum height of 1.0m (3.28 ft.) for a fence within a required front yard. The intent of the by-law in regulating maximum fence heights of residential properties is to ensure that fences do not create adverse impacts (i.e. obstructing views or impeding sunlight) on surrounding properties.

The variance is requested to permit the height of a proposed fence to be 0.8m (2.63 ft.) higher than what the by-law permits. The fencing is not anticipated to create negative impacts to the subject property or to adjacent properties with respect to obstruction of views or shadowing. A condition of approval is recommended to ensure that the proposed fence not be a solid fence. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit two (2) accessory structures (shed and gazebo) with a combined gross floor area of 59.9 sq. m (644.76 sq. ft.) whereas the by-law permits two (2) accessory structures with a maximum combined gross floor area of 40 sq. m (430.56 sq. ft.). The intent of the by-law in regulating the maximum permitted floor area of an accessory structure is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property.

The existing accessory structure (gazebo) is located on the west side of the rear yard. The combined gross floor area for the gazebo and shed is 19.9 sq. m (214.02 sq. ft.) greater than what the Zoning By-law permits and the structures will be appropriately setback from the adjacent properties. Given the large size of the property, the increased gross floor area for the accessory structures are not anticipated to negatively impact the provision of outdoor amenity space or negatively impact the subject property or adjacent properties. A condition of approval is recommended that a building permit for the existing gazebo shall be obtained within 60 days of the decision of approval. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 6 is requested to permit an accessory structure (gazebo) with a gross floor area of 41.82 sq. m (450.15 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.57 sq. ft.) for an individual accessory structure. Variance 7 is requested to permit an accessory structure (gazebo) with a maximum building height of 4.66m (15.29 ft.) whereas the by-law permits a maximum height of 4.5m (14.76 ft.) for an accessory structure. The intent of the by-law in regulating the maximum permitted floor area of an accessory structure is to ensure that the property is not dominated by the structure and that the size of the structure does not negatively impact the provision of outdoor amenity space for the property. The intent of the by-law in regulating the permitted height of an accessory structure is to ensure that the structure does not have negative massing impacts on adjacent properties.

The existing gazebo is situated in the rear yard of the property and requires variances to allow an increase in gross floor area and height. A gross floor area of 41.82 sq. m (450.15 sq. ft.) and a height of 4.66m (15.29 ft.) are requested. Given the large size of the property, the increased size for the gazebo is not anticipated to negatively impact the provision of outdoor amenity space or negatively impact the subject property or adjacent properties. Given the distance between the accessory structure to the adjacent properties, the proposed increase in height of the accessory structure is not considered to cause negative visual impacts. A condition of approval is recommended that the owner obtain a building permit for the existing gazebo within 60 days of the decision of approval. Subject to the recommended conditions of approval, variances 6 and 7 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is proposing to construct a new dwelling which is comparable to others within the estate residential area. The requested variances to allow an increase in garage door, building, accessory structure and fence height, increase in size for the accessory structures and reduced open space area are not anticipated to create any adverse impacts given the size of the property and overall siting of the dwelling. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0125 and post any requires financial securities and insurance to the satisfaction of the Director of Development Services. The variances are considered desirable for the appropriate development of land.

4. Minor in Nature

The requested variances to allow for an increase in building height, garage door height, fence height, accessory structure height and increase in accessory structure size are not expected to create adverse impacts on-site or off-site nor alter the character of the area. Subject to recommended conditions of approval, the proposed variances are considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Simran Sandhu", enclosed within a circular scribble.

Simran Sandhu, Assistant Development Planner