



Report Committee of Adjustment

Filing Date: August 29, 2022
Hearing Date: October 04, 2022

File: A-2022-0276

**Owner/
Applicant:** GRAZYNA ZAJAC & STAINISLAW ZAJAC

Address: 2670 Embleton Road

Ward: WARD 6

Contact: Simran Sandhu, Assistant Development Planner

Recommendations:

That application A-2022-0276 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 no commercial or industrial uses shall operate from the detached garage;
 3. That the owner shall obtain a building permit for all accessory structures within 60 days of the decision of approval;
 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 'Agricultural (A)', 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 'Residential' in the Official Plan and 'Employment Estates' in the Bram West Secondary Plan (Area 40a). 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 side yard setback of 4.42m (14.50 ft.) to an existing one storey addition whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.). The intent of the by-law in requiring a minimum amount of side yard setback is to ensure that there is adequate room available to allow for drainage, access to the rear yard and to control the massing of the building. The reduction to the side yard setback relates to an existing one storey addition towards the rear of the dwelling and is not anticipated to impact the functioning of the property or drainage as there is adequate space to the west of the dwelling to access the rear yard. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a ground floor area of 138.5 square meters whereas the by-law requires a minimum ground floor area of 170 square meters for a one storey building. The intent of the by-law in prescribing a certain maximum amount of gross floor area for the building is to ensure that the property is consistent with the provisions of the Agricultural Zoning By-law. The variance is in

relation to the 3 existing additions located at the rear and front of the dwelling as shown on the public notice. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a side yard setback of 0.36m (1.18 ft.) to an existing accessory structure (pool cabana) whereas the by-law requires a minimum setback of 1.2m (3.94 ft.) to the nearest lot line. Variance 4 is requested to permit an existing accessory structure (pool cabana) with a gross floor area of 30.6 sq. m (329.38 sq. ft.) whereas the by-law permits a maximum gross floor area of 23 sq. m (247.60 sq. ft.) for an individual accessory structure. The intent of the by-law in requiring minimum setback for accessory structures is to ensure sufficient space is provided for drainage. 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 existing pool cabana is situated at the northwestern side of the rear yard and requires a variance to allow a reduced side yard setback and an increase in gross floor area. A setback reduction of 0.36m (1.18 ft.) to the side yard and a gross floor area of 30.6 sq. m (329.38 sq. ft.) is requested. While the setback of the existing pool cabana is not anticipated to impact drainage from the accessory structure, drainage shall be directed onto the subject property and drainage on adjacent properties not be adversely impacted. Given the large size of the property, the increased size for the pool cabana is not anticipated to negatively impact the provision of outdoor amenity space or negatively impact the subject property or adjacent properties. Therefore, the variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit an existing garage door height of 2.85m (9.35 ft.) whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.). Variance 6 is to permit an existing detached garage height of 5.57m (18.27 ft.) whereas the by-law permits a maximum building height of 4.5m (14.76 ft.). The intent of the by-law in regulating the maximum permitted garage door height for a residential dwelling is to ensure that the garage is not a primary focus of the dwelling's design, and to ensure that the garage is used for residential purposes. The intent of the by-law in regulating the maximum permitted garage height for a property is to ensure that there are no negative massing impacts.

In this case, the garage is separate from the dwelling and located behind the dwelling. The proposed height is also consistent the overall appearance and scale of the dwelling. As such, the increased garage height and garage door height 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 on the residential property, a condition is recommended that no commercial or industrial uses be conducted from the detached garage. 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 7 is requested to permit a gross floor area of 74.9 sq. m (806.22 sq. ft.) for an existing detached garage with a proposed attached accessory structure (gazebo) whereas the by-law permits a maximum gross floor area of 48 sq. m (516.67 sq. ft.). Variance 8 is requested to permit two (2) accessory structures (cabana and shed) with a combined gross floor area of 44.8 sq. m (482.22 sq. ft.) whereas the by-law permits 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 accessory structure (gazebo) is attached to the existing detached garage, located in the northwest corner of the property. The combined gross floor area for the gazebo and detached garage is 26.9 sq. m (289.55 sq. ft.) greater than what the Zoning By-law permits. The combined gross floor area for the 2 accessory structures of the cabana and shed is 4.8 sq. m (51.66 sq. ft.) greater than what the Zoning By-law permits. The structures are considered to be appropriately setback from the adjacent properties. Given the large size of the property, the increased gross floor area for all the accessory structures and detached garage are not anticipated to negatively impact the provision of outdoor amenity space or negatively impact the subject property or adjacent properties. A recommended condition of approval is recommended that the owner shall obtain a building permit for all accessory structures 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.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to facilitate the existing 3 additions to the first storey of the dwelling. The proposed setback to the first storey are not anticipated to affect the surrounding streetscape or negatively impact the overall residential function of the dwelling. The increased gross floor area is not anticipated to generate any negative on-site or off-site impacts. The proposal to reduce the side yard setback, increase the maximum detached garage and garage door height, and gross floor area for all existing accessory structures is not anticipated to negatively impact the property. The scale, massing and design of the dwelling, detached garage and accessory structures are in keeping with the character of the existing dwellings located within the surrounding area. The variances will facilitate the function of the existing residential dwelling. Subject to the recommended conditions of approval, the proposed variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances will facilitate the function of the existing single detached dwelling. Variances are sought to all a decrease in side yard setbacks, increases to the detached garage and garage door height, dwelling size and accessory structure gross floor areas. These variances are not anticipated to generate negative impacts on-site or off-site. Subject to the recommended conditions of approval, the proposed variances are considered minor in nature.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner