



Report Committee of Adjustment

Filing Date: August 15, 2022
Hearing Date: December 06, 2022

File: A-2022-0262

**Owner/
Applicant:** SEWA SINGH BASRA AND HARJIT KAUR BASRA

Address: 28 Tortoise Court

Ward: WARD 10

Contact: Mohammed Jalabi, Assistant Development Planner

Recommendations:

That application A-2022-0262 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. The accessory structures shall not be located within the canopy driplines of any trees with a trunk diameter larger than 30 cm measured at 1.4 meters above ground.
3. The owner shall obtain a building permit 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.
5. The owner shall provide an Archeological Assessment report to the Ministry of Heritage, Sport, Tourism and Culture and provide to the City, a copy of the associated confirmation of submission letter to the satisfaction of the Director of Development Services.
6. The owner shall provide a letter from the Ministry of Heritage, Sport, Tourism and Culture confirming the Archeological Assessment report has been approved and entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the Dir/Dev/Serv.

Background:

Existing Zoning:

The property is zoned 'Residential RE2', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an accessory structure (cabana) having a gross floor area of 103.4 sq. m (1,113 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;
2. To permit an accessory structure (cabana) to include habitable floor area (kitchen and 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 'Estate Residential', 'Upscale Executive Housing Special Policy Area', and 'Storm Water Management Area' in the Vales of Castlemore Secondary Plan Area 42). Section 4.2.3.4 (vi) of the City of Brampton Official Plan states that the City shall also consider the following in its assessment of an Estate Residential plan of subdivision; (vi) Accessory buildings shall be small in scale, designed and constructed in a fashion sympathetic to the primary intended use and regulated by the comprehensive zoning by-law. Although the subdivision was previously registered and constructed, the Official Plan contemplates accessory buildings within the Estate Residential Area. The proposed structure is of an appropriate scale, design and size relative to that of the existing dwelling and lot area of the subject property. The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential RE2', according to By-law 270-2004, as amended.

Variance 1 is requested to permit an accessory structure (cabana) having a gross floor area of 103.4 sq. m (1,113 sq. ft.) whereas the by-law permits a maximum gross floor area 23 sq. m (247.57 sq. ft.) for an individual accessory structure. Variance 2 is requested to permit an accessory structure (cabana) to include habitable floor area (kitchen and washroom) whereas the by-law does not permit an accessory structure to be used for human habitation. The intent of the by-law in regulating the maximum permitted floor area of an accessory structure and limiting the use 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 proposed accessory structure provides additional amenity uses for the residents of the subject property, such as seating areas, artificial turf, kitchen area and structure containing a sauna.

The accessory structure (cabana) has a gross floor area that is 80.4 square meters (approximately 865 square feet) greater than what the Zoning By-law permits. The proposed structure maintains appropriate setbacks from the abutting residential properties. A tree line straddles the south, south-east and south-west of the subject property, providing a natural buffer from Goreway Drive and Tortoise Court as well as neighboring properties. To ensure the proposed development does not negatively impact the tree area the following conditions of approval are recommended: that the owner shall obtain

a building permit for the accessory structures within 60 days of the decision of approval and that the accessory structures shall not be located within the canopy driplines of any trees with a trunk diameter larger than 30 cm measured at 1.4 meters above ground. 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

Variance 1 requested to permit an accessory structure (cabana) having a gross floor area of 103.4 sq. m (1,113 sq. ft.) Whereas, the by-law permits a maximum gross floor area 23 sq. m (247.57 sq. ft.) For an individual accessory structure. Variance 2 is requested to permit an accessory structure (cabana) to include habitable floor area (kitchen and washroom) whereas the by-law does not permit an accessory structure to be used for human habitation. The scale, massing and design of the accessory structure are in keeping with the character and size of the existing dwelling and surrounding neighbourhood. The proposed variances will facilitate additional amenity uses on the existing parcel. Subject to the recommended conditions of approval, the proposed variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 and 2 are requesting to allow for an accessory structure (cabana) with a gross floor measurement larger than that which the by-law permits and to allow for habitable floor area (kitchen and washroom) whereas, the by-law does not permit an accessory structure to be used for human habitation. The location of the proposed accessory structure is adequately screened from Goreway Drive, Tortoise Court and neighboring properties. Moreover, the structure maintains an appropriate size and scale with the existing residential dwelling. Subject to the recommended conditions of approval, the proposed variances are considered minor in nature.

Respectfully Submitted,

Mohammed Jalabi

Mohammed Jalabi, Assistant Development Planner