



Report Committee of Adjustment

Filing Date: November 10, 2022
Hearing Date: December 6, 2022

File: A-2022-0368

**Owner/
Applicant:** BHUPINDERJEET DHIILLON & HARJINDER DHILLON

Address: 12 Moonlight Place

Ward: WARD 10

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2022-0368 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 owner finalize Site Plan Approval under City File SPA-2022-0126 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 the proposed fence in the required front yard not be a solid fence;
 4. That no commercial or industrial uses shall operate from the attached garage;
 5. 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 Special Section 1520 (A-1520)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a building height of 13.26m (45.50 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.);
2. To permit a fence height of 2.0m (6.56 ft.) in the minimum required front yard whereas the by-law permits a maximum height of 1.0m (3.28 ft.) for a fence in the minimum required front yard;
3. To permit a fence height of 2.5m (8.20 ft.) in the side and rear yards whereas the by-law permits a maximum height of 2.0m (6.56 ft.) for a fence in the side and rear yards;
4. To permit an accessory structure (cabana) having a gross floor area of 30 sq. m (322.92 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;
5. To permit an accessory structure (cabana) having a height of 5.0m (16.40 ft.) to the top of the flat roof whereas the by-law permits a maximum height of 3.5m (11.48 ft.) for a flat roof;
6. To provide 67% of the required front yard as landscaped open space whereas the by-law requires a minimum of 70% of the required front yard to be landscaped open space;
7. To permit a height of 2.74m (9.0 ft.) for garage doors whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.).

Current Situation:

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

The property is designated 'Estate Residential' in the Official Plan. The property is located within the Toronto Gore Rural Estate Secondary Plan (Area 26), for which there is currently no Secondary Plan in place. The requested variances have no impact within the context of the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

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

Variance 1 is requested to permit a building height of 13.26m (45.50 ft.) whereas the by-law permits a maximum building height of 10.6m (34.78 ft.). The intent of regulating dwelling height in residential zones is to ensure that there are no negative massing, shadowing and privacy impacts on adjacent properties.

Given that the proposed dwelling will be situated on a 0.92 hectare (2.29 acre) lot is located in an estate residential area, the 2.66 metres (8.72 feet) increase in building height is not anticipated to create any adverse impacts relating to shadowing, privacy, or massing. Furthermore, the increase building height is not considered to impact the character of the area which is generally defined by large estate homes. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a fence height of 2.0m (6.56 ft.) in the minimum required front yard whereas the by-law permits a maximum height of 1.0m (3.28 ft.) for a fence in the minimum required

front yard. Variance 3 is requested To permit a fence height of 2.5m (8.20 ft.) in the side and rear yards whereas the by-law permits a maximum height of 2.0m (6.56 ft.) for a fence in the side and rear yards. 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 variances are requested to permit the height of a proposed fence in the front yard to be 1.0 (3.28 ft.) and 0.5 metres (1.65 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 in the required front yard not be a solid fence. Subject to the recommended conditions of approval, variances 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit an accessory structure (cabana) having a gross floor area of 30 sq. m (322.92 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. To permit an accessory structure (cabana) having a height of 5.0m (16.40 ft.) to the top of the flat roof whereas the by-law permits a maximum height of 3.5m (11.48 ft.) for a flat roof. The intent of the By-law in regulating the gross floor area of an individual accessory structure is to ensure that the property is not dominated by the structure and that it does not negatively impact the provision of outdoor amenity space. Variance 5 is requested to permit an accessory structure (cabana) having a height of 5.0m (16.40 ft.) to the top of the flat roof whereas the by-law permits a maximum height of 3.5m (11.48 ft.) for a flat roof. The intent of the By-law in restricting the maximum building height of an accessory structure to 3.5m (11.48 ft.) is to ensure that the structure is subordinate in size and scale to the principal residence and the massing does not pose negative impacts to adjacent properties.

The proposed cabana is located near a proposed swimming pool at the rear of the property, behind the existing dwelling. The individual gross floor area of the proposed cabana is 7 sq. m (75.3 sq. ft.) greater than what the Zoning By-law permits. A 1.5m (4.92 ft.) increase to the height of the accessory structure (proposed cabana) is requested from what the By-law permits. The structure will be appropriately setback from the adjacent properties. Given the large size of the property, the increased size and height of the cabana is not anticipated to negatively impact the provision of outdoor amenity space or negatively impact the subject property or adjacent properties. Variances 4 and 5 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 6 is requested to provide 67% of the required front yard as landscaped open space whereas the by-law requires a minimum of 70% of the required front yard to be landscaped open space. The intent of the Zoning 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 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 greenspace at the front of the property or contribute to an inconsistent streetscape given that the subject property is located on an irregular shaped lot.

Variance 7 is requested to permit a height of 2.74m (9.0 ft.) for garage doors whereas the by-law permits a maximum garage door height of 2.4m (7.87 ft.). The intent of the By-law in regulating the maximum garage door height in residential zones is to ensure that garages do not have a commercial appearance.

In this case, the garage doors will not be facing the street and their height will be in 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 for commercial purposes, a condition is recommended that no commercial or industrial uses be conducted from the attached garage. Subject to the recommended conditions of approval, the requested variance is 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 building height, an increased garage door height, increase to the height of a fence, reduction to the landscaped open space for the required front yard, garage door height, accessory height and increase in accessory structure size are not anticipated to create any adverse impacts given the size of the property and overall location of the dwelling. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2022-0126 and post any financial securities and insurance to the satisfaction of the director of development services. The variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances to allow for an increase building height, garage door height, landscape open space, fence height, accessory structure height and increase accessory structure size are not anticipated to create adverse impacts on-site or off site not alter the character of the area. Subject to the recommended conditions of approval, the proposed variances are considered minor in nature

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician