



## Report Committee of Adjustment

**Filing Date:** December 16, 2022  
**Hearing Date:** January 24, 2023

**File:** A-2022-0334

**Owner/  
Applicant:** MICHAEL BRO AND DIANA KHAMIS

**Address:** 23 Mission Ridge Trail

**Ward:** WARD 10

**Contact:** Megan Fernandes, Planning Technician

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### **Recommendations:**

That application A-2022-0334 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 and in accordance with the revised site plan drawing (Appendix 3);
  2. That the height of the existing fence along the perimeter of the rear and side yard amenity area shall not exceed 2.79m (9.15 ft.);
  3. That the Owner obtain a building permit for the gazebo within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
  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 'Residential Single Detached (R1F-9)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit an existing accessory structure (gazebo) having a gross floor area of 17.83 sq. m (191.92 sq. ft.) whereas the by-law permits an accessory structure having a maximum gross floor area of 15 sq. m (161.46 sq. ft.);
2. To permit an existing fence (including privacy screen) having a height of 2.79m (9.15 ft.) whereas the by-law permits a maximum height of 2.0m (6.56 ft.) for a fence in the rear and side yard;
3. To permit a driveway width of 8.33m (27.33 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.);
4. To provide 0.0m of permeable landscaping abutting the side property line on both sides whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line.

**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 Bram East Secondary Plan (Area 41a). The nature and the extent of the proposed variances are considered to maintain 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 an existing accessory structure (gazebo) having a gross floor area of 17.83 sq. m (191.92 sq. ft.) whereas the by-law permits an accessory structure having a maximum gross floor area of 15 sq. m (161.46 sq. ft.). The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure is to ensure that the size of the structure does not negatively impact amenity space for the property.

The existing accessory structure (gazebo) has a gross floor area that is 2.83 sq.m (30.46 sq. ft.) greater than what the Zoning by-law permits. The gazebo is not enclosed and is used to provide shade and shelter to the amenity area. The structure does not detract from the outdoor amenity space for the property. Additionally, the existing gazebo maintains the appropriate setbacks. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an existing fence (including privacy screen) having a height of 2.79m (9.15 ft.) whereas the by-law permits a maximum height of 2.0m (6.56 ft.) for a fence in the rear and side yard. The intent of the by-law in regulating maximum fence height is to avoid creating a fortress-like feel on residential properties.

The existing fence (including privacy screen) has a height that is 0.79m (2.59 ft.) greater than what the Zoning By-law permits. The fence height was constructed to provide additional privacy for the Owner's

use of the amenities located in the rear yard. Upon staff visit, staff noted landscaping (trees) were planted along the majority of the rear and portions of the east side yard to a similar height of the fence (Appendix 1 and 2), as such it does not create a fortress-like appearance for the property. A condition of approval is recommended that the variances be limited to the sketch provided in Appendix 3 to ensure that the fence is not raised to any additional height in the side and rear yards. Subject to the recommended conditions of approval, variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is to permit an existing driveway width of 8.33m (27.33 ft.) whereas the by-law permits a maximum driveway width of 6.71m (22 ft.). Variance 4 is to provide 0.0m of permeable landscaping abutting the side property line on both sides whereas the by-law requires a minimum 0.6m (1.97 ft.) wide permeable landscape strip abutting the side property line. The intent of the by-law in regulating the maximum permitted driveway width is to ensure that the driveway does not dominate the front yard landscaped area and that the driveway does not allow an excessive number of vehicles to be parked in front of the dwelling.

The existing driveway has been widened to a total width of 8.33m (27.33 ft.). Therefore, the existing driveway is 1.62m (5.31 ft.) wider than the By-law permits. Additionally, the applicant is requesting an elimination of the permeable landscaping strip abutting the side property line. The increased width of the driveway and reduced permeable landscape strip is not considered to significantly impact drainage or contribute to a substantial loss of landscape on the property. The property still maintains a considerable amount of landscaping relative to the size of the driveway. The existing conditions of the driveway are not out of character for the area and do not facilitate the parking of an excessive number of vehicles. Subject to the conditions of approval, Variances 3 and 4 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 relates to an existing accessory structure (gazebo) having a gross floor area of 17.83 sq. m (191.92 sq. ft.). The structure is in compliance with the side and rear yard setbacks. The structure is intended to complement the outdoor amenity area of the property by providing additional shade and shelter. Further, the structure contributes positively to the use of the outdoor amenity space for the property. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

Variance 2 is requested to permit an existing fence (including privacy screen) in the side and rear yard greater than what the Zoning By-law permits. The Owner extended the height of the fence to provide additional privacy for the use of the amenities located in the rear yard. Upon staff visit, staff noticed a treeline had been planted along the majority of the rear yard and side yard of a height similar to the existing fence to provide additional privacy. The existing treeline will act as a natural screening providing an additional visual buffer for the adjacent properties and is not anticipated to generate any negative impacts to the adjacent properties. Additionally, a letter of support for the proposed fence height was received indicating that adjacent property owner (21 Mission Ridge Trail) does not feel negatively impacted by the fence height. The requested variance is considered appropriate development for the land.

Variations 3 and 4 are requested to permit an increased driveway width and elimination of the permeable landscape strip. The visual impact of the existing driveway is minimal and not considered to pose significant issues of drainage on adjacent properties. The variations are considered appropriate development for the land.

#### 4. Minor in Nature

The requested variance to permit an existing accessory structure (gazebo) having a gross floor area of 17.83 sq. m (191.92 sq. ft.) whereas the by-law permits an accessory structure having a maximum gross floor area of 15 sq. m (161.46 sq. ft.). The existing accessory structure (gazebo) has a gross floor area that is 2.83 sq.m (30.46 sq. ft.) greater than what the zoning by-law permit which does not detract significantly from the outdoor amenity space for the property. A condition of approval is recommended that the Owner obtain a building permit within 60 days of the Committee's decision to ensure that the structure is in compliance with the Ontario Building Code. Subject to the recommended conditions of approval, variance 1 is considered to be minor in nature.

Variance 2 to permit a fence height of 2.79m (9.15 ft.) relates to the extended fence along the rear and side yard. Conditions of approval are recommended to limit the height and location of the existing fence. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Variations 3 and 4 are requested to accommodate the existing site conditions for a widened driveway. The visual impact of the driveway is minimal and not considered to impact drainage. The requested variations 3 and 4 are considered to be minor in nature, subject to the recommended conditions of approval.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Planning Technician

**Appendix 1 – Site Visit**



**Appendix 2 – Site Visit**



# Appendix 3 – Revised Site Plan

