

Filing Date: October 14, 2020
Hearing Date: November 10, 2020

File: A-2020-0117

**Owner/
Applicant:** MOHAMMAD ASEFI AND LAYMA AKBARI

Address: 82 Sutherland Avenue

Ward: 1

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0117 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 Public Notice;
2. That roof drainage from the accessory structure shall flow onto the applicant's property;
3. That drainage on adjacent properties shall not be adversely affected;
4. That the gazebo remain of an open style construction and shall not be enclosed;
5. That the applicant 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;
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:**Existing Zoning:**

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing accessory structure (gazebo) having a gross floor area of 19.32 sq. m (207.96 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 15 sq. m (161.46 sq. ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated "Residential" in the Official Plan and "Low Density Residential" in the Brampton Flowertown Secondary Plan (Area 6). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended.

The requested variance is to permit an existing accessory structure (gazebo) having a gross floor area of 19.32 sq. m (207.96 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 15 sq. m (161.46 sq. ft.). The intent of the by-law in regulating the maximum permitted size of an accessory structure is to ensure that the outdoor space for the property is not dominated by structures and that the structure remains ancillary to the primary residential dwelling. The gazebo structure is of an open style construction and contributes positively to the outdoor amenity space for the property. A condition of approval is recommended that the structure remain of an open style construction and not be enclosed. Subject to the recommended conditions of approval, the requested variance is considered to maintain the intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is intended to facilitate an existing gazebo structure in the rear yard of the residential property. The structure is in compliance with side and rear yard required setbacks, and additionally conditions of approval are recommended that drainage from the roof of the structure flow onto the applicant's property and that drainage on adjacent properties is not impacted to ensure the structure does not negatively impact drainage patterns on adjacent properties. 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.

4. Minor in Nature

The requested variance to permit an existing accessory structure (gazebo) having a gross floor area of 19.32 sq. m (207.96 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 15 sq. m (161.46 sq. ft.). The variance

represents an increase in floor area of 4.32 sq. m. (46.5 sq. ft.) 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 final date of the Committee's decision to ensure that the structure is in accordance with the Ontario Building Code. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development