

Filing Date: October 13, 2020
Hearing Date: November 10, 2020

File: A-2020-0114

**Owner/
Applicant:** SHOKIN SINGH AND MANJIT KAUR KULAR

Address: 10796 The Gore Road

Ward: 10

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0114 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 accessory building shall not be used as a separate dwelling unit;
 5. That the accessory building shall not be used as a garage as defined within the Zoning By-law;
 6. That the existing accessory structures be removed upon completion of the construction of the proposed accessory shed;
 7. That the existing open style fencing shall not be replaced by a solid or opaque form of fencing;
 8. 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 Variance:

The applicant is requesting the following variances:

1. To permit an accessory structure (shed) on a lot within the Rural Estate Zone having a gross floor area of 128.58 sq. m (1384.02 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 23 sq. m (247.57 sq. ft.);
2. To permit an existing fence in the front yard having a maximum height of 1.8m (5.90 ft.) whereas the by-law permits a fence in the front yard to a maximum height of 1.0m (3.28 ft.);
3. To permit 58.71% of the front yard to be landscaped open space (as existing) whereas the by-law requires a minimum 70% of the front yard to be landscaped open space.

Current Situation:**1. Conforms to the Intent of the Official Plan**

The property is designated "Estate Residential" in the Official Plan and is located within the Toronto Gore Rural Estate Secondary Plan (Area 26). The requested variances are not considered to have significant impacts within the context of the Official Plan policies, and as such are considered to maintain the general intent of the Official Plan.

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

The property is zoned "Agricultural – Special Section 1520 (A-1520)" according to By-law 270-2004, as amended.

Variance 1 is to permit an accessory structure (shed) on a lot within the Rural Estate Zone having a gross floor area of 128.58 sq. m (1384.02 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 23 sq. m (247.57 sq. ft.). The intent of the by-law in regulating the maximum size for an accessory structure in a rural estate zone is to ensure that the property is not dominated by accessory structures and that accessory structures remain ancillary to the primary residential use. Given the size of the property the increased floor area of the accessory structure does not dominate the outdoor space. A condition of approval is recommended that the accessory structure shall not be used as a separate dwelling unit to ensure that its primary function remains for storage for the existing residential dwelling. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit an existing fence in the front yard having a maximum height of

1.8m (5.90 ft.) whereas the by-law permits a fence in the front yard to a maximum height of 1.0m (3.28 ft.). The intent of the by-law in regulating the maximum height of fencing permitted in the front yard is to prevent negative aesthetic and visual impacts, and to avoid "fortress-like" construction. In the case of the subject property, the fence is of a barred nature that allows for visibility into the property and onto the street. The decorative nature of the fence does not create a "fortress-like" feel for the property. A condition of approval is recommended that the fence remain in its current design. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit 58.71% of the front yard to be landscaped open space (as existing) whereas the by-law requires a minimum 70% of the front yard to be landscaped open space. The intent of the by-law in regulating the minimum required landscaped area in the front yard is to ensure a balance is maintained between soft and hard surfaces to facilitate drainage and enhance the aesthetic quality of a property. Given the size of the subject property, the increased hardscaped area is not anticipated to negatively impact drainage and does not impact the overall aesthetic quality of the property. Subject to the recommended conditions of approval, Variance 3 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 to permit an accessory structure (shed) on a lot within the Rural Estate Zone having a gross floor area of 128.58 sq. m (1384.02 sq. ft.) whereas the by-law permits an individual accessory structure to a maximum size of 23 sq. m (247.57 sq. ft.). The proposed accessory structure ("shed") is intended to be used for storage of lawn equipment and other items related to the residential use of the property. As the subject property is of a large nature, the increased floor area of the accessory structure is appropriately proportioned to the property. Given the size of the structure, conditions of approval are recommended that the structure not be used as a separate dwelling unit, and that the structure not be used as a garage. The property is located within the Mature Neighbourhood Area which requires that a Site Plan Application be submitted for any sized detached garage, however as this structure is considered to be a shed, a Site Plan Application is not required. Conditions of approval are recommended that drainage from the roof of the accessory structure shall flow onto the applicant's property and that drainage on adjacent properties shall not be impacted. These conditions are intended to ensure that the size of the structure does not negatively impact surrounding properties. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is to permit an existing fence in the front yard having a maximum height of 1.8m (5.90 ft.) whereas the by-law permits a fence in the front yard to a maximum height of 1.0m (3.28 ft.). The subject property is a large estate lot and the existing fence is of a decorative nature. Further, the fence is of a "see-through" style iron bar construction which alleviates concerns related to visibility and massing related to a fence this tall. A condition of approval is recommended that the fence remain of its

existing style and construction so that the aesthetic quality of the property is maintained. Subject to the recommended conditions of approval, Variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is to permit 58.71% of the front yard to be landscaped open space (as existing) whereas the by-law requires a minimum 70% of the front yard to be landscaped open space. Given the size of the property, the increased hardscaped area does not detract from the aesthetic quality of the property or pose concerns related to drainage. Subject to the recommended conditions of approval, Variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is to permit an oversized accessory structure (shed) in the rear yard of the property. Given the size of the property, the increase in floor area to the accessory structure does not detract from the provision of outdoor space and is considered to be appropriate relative to the size of the property. Subject to the recommended conditions of approval, Variance 1 is considered to be minor in nature.

Variance 2, to permit an increased fence height in the front yard is related to an existing wrought iron fence. The fence is of a decorative nature and does not negatively impact the aesthetic quality of the property. Subject to the recommended conditions of approval, Variance 2 is considered to be minor in nature.

Variance 3 is to permit a reduced landscaped area in the front yard. Given the size of the property, the reduction in landscaped area is largely unnoticeable as it is mostly related to the driveway for the property. Subject to the recommended conditions of approval, Variance 3 is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development