



## Report Committee of Adjustment

**Filing Date:** April 12, 2023

**Hearing Date:** May 9, 2023

**File:** A-2023-0106

**Owner/  
Applicant:** HARINDER SINGH

**Address:** 16 Abigail Grace Crescent

**Ward:** WARD 6

**Contact:** Rajvi Patel, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0106 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 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 E-14 (R1E-14.0-2503)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit an accessory structure (pavilion) having a gross floor area of 17.84 sq. m (192.03 sq. ft.), whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure;
2. To permit a combined gross floor area of 29 sq. m (312.15 sq. ft.) of permitted accessory structures (pavilion and shed), whereas the by-law permits a maximum combined floor area of 20 sq. m (215.28 sq. ft.);

3. To permit an accessory structure (pavilion) having a height of 3.5m (11.48 ft.), whereas the by-law permits an accessory structure having a maximum height of 3m (9.84 ft.).

**Current Situation:**

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

The subject lands are designated 'Residential' in the Official Plan and 'Executive Residential' in the Huttonville Secondary Plan (Area 29(b)). The requested variance is not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies, and is considered to maintain the general intent and purpose of the Official Plan.

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

The subject lands are currently zoned 'Residential Single Detached E-14,' Special Section 14.0-2503 (R1E14.0-2503), according to By-law 270-2004, as amended.

Variance 1 is requested to permit an accessory structure (pavilion) having a gross floor area of 17.84 sq. m (192.03 sq. ft.), whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure. Variance 2 is requested to permit a combined gross floor area of 29 sq. m (312.15 sq. ft.) of permitted accessory structures (pavilion and shed), whereas the by-law permits a maximum combined floor area of 20 sq. m (215.28 sq. ft.). The intent of the by-law in regulating the maximum permitted gross floor area of an accessory structure and the combined gross floor area for accessory structures is to ensure that the property is not dominated by the structure and that the size of the structures do not negatively impact the provision of outdoor amenity space for the property.

The proposed accessory structures (pavilion and shed) are intended to enhance the provision of outdoor amenity space in the rear yard and to provide for enclosed storage. The proposed pavilion is 2.84 sq. m (30.57 sq. ft.) larger than what the by-law permits. While the applicant is requesting a combined gross floor area for accessory structures that is 9 sq. m (96.88 sq. ft.) greater than what the by-law permits, the design and nature of the accessory structures are not anticipated to generate a sense that the property is dominated by accessory structures. Given the size of the property, the two accessory structures are not considered to negatively impact the provision of outdoor amenity space for the property. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an accessory structure (pavilion) having a height of 3.5m (11.48 ft.), whereas the by-law permits an accessory structure having a maximum height of 3m (9.84 ft.). The intent of the by-law in regulating the permitted height of an accessory structure is to ensure that the structure does not have negative visual massing impacts on adjacent properties.

The variance is seeking an additional 0.5m (1.64 ft.) increase in height for the accessory structure which is not anticipated to have negative massing or privacy impacts. The proposed pavilion will be

located in the southeastern quadrant of the rear yard which abuts a trail and stormwater management pond. The location of the structure relative to the property and surrounding site context ensures that the increase in height will not generate adverse impacts as it maintains minimum setbacks. The variance does not cause any adverse impacts related to privacy and shadowing and is therefore 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 requesting variances to facilitate the construction of a pavilion and shed in the rear yard of the property. Given the size of the lot and rear yard, the overall size and location of the pavilion and shed are not anticipated to cause negative visual impacts or limit the overall provision of amenity space. It is noted that the pavilion will maintain minimum setback requirements and abuts lands consisting of a trail and stormwater management pond. As a result, no negative impacts are anticipated on-site or off-site. The variances are deemed desirable for the appropriate development of the land.

### 4. Minor in Nature

The subject lands are located within a residential area with relatively large lot sizes. Considering the size and conditions of the property, the proposed accessory structures are not anticipated to detract outdoor amenity space or create adverse impacts on-site or off-site. The location and scale of the accessory structure in relation to the surrounding land context does not generate privacy or shadowing impacts as the pavilion is adequately setback from abutting properties. The open design of the pavilion further minimizes massing impacts and will further enhance the use of outdoor amenity space and is intended to remain accessory to the primary residential dwelling. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

*Rajvi Patel*

Rajvi Patel, Assistant Development Planner

## Appendix A – Existing Site Conditions

