



## Report Committee of Adjustment

**Filing Date:** February 7, 2024

**Hearing Date:** March 19, 2024

**File:** A-2024-0025

**Owner/  
Applicant:** **NAGINER SINGH MANN & KIRANDEEP MANN**

**Address:** **18 Lucinda Court**

**Ward:** WARD 10

**Contact:** Ellis Lewis, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0025 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 finalizes approval of Custom Home file # CH-2024-0003 and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
  3. That drainage on adjacent properties shall not be adversely affected; and
  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 Rural Estate Two (RE2)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a single detached dwelling having a building height of 14.28 metres (46.85 feet.), whereas the by-law permits a maximum building height of 10.6 metres (34.78 feet.); and
2. To permit a garage door height of 2.74 metres (8.99 feet.), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 feet.).

### **Current Situation:**

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

The property is designated 'Estate Residential' in the Official Plan and located within the Toronto Gore Rural Estate Secondary Plan (Area 26). The variances that are being sought work within the Development Design Guidelines. As set out in Section 4.2.1.14 of the City of Brampton Official Plan, the City recognizes that garage placement and driveway design are key elements of residential area aesthetic. Guidelines look to ensure that garages are built in proportion to the dwellings and look to maintain high quality streetscape and habitable room widths. The requested variances are not considered to have significant impacts within the context of the Official Plan policies and 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 is to permit a building height of 14.28 m. (46.85 ft.), whereas the by-law permits a maximum building height of 10.6 m. (34.78 ft.) The intent of the by-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing, shadowing or privacy impacts on adjacent properties. The proposed Concept Plan indicates that all applicable side yard setbacks will be maintained, mitigating adverse impacts with respect to massing and shadowing on abutting properties. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 seeks to permit a garage door height of 2.74 m. (8.99 ft.), whereas the by-law permits a maximum garage door height of 2.4 m. (7.87 ft.). The intent of the by-law in regulating the maximum garage door height for a residential dwelling is to ensure that the garage is not a primary focus of the dwelling's design, and to ensure that the garage is used for residential purposes. As the proposed garage door height will be 2.74 m. (8.99 ft.) and the proposed single detached dwelling will be 14.28 m. (46.85 ft.) in height, Staff do not anticipate that the garage will be the focal point of the dwelling. According to the by-law, the homeowner would be limited to a garage door height of 2.4 m. (7.87 ft.). Staff are of the opinion that the additional 0.34 m. (1.12 ft.) increase in height to the garage door will not significantly impact neighbourhood character or aesthetic and will contribute to a proportionate design of the dwelling. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is being requested to permit an increased building height of 14.28 m. (46.85 ft.) as it will assist in the development of a two-storey house. The increase of 3.68 m. (12.07 ft.) to the height that is permitted is not anticipated to significantly contribute to shadowing onto adjacent properties. The house that was previously constructed on the lot will be demolished. A Custom Home application (File # CH-2024-0003) has been submitted for the newly proposed residential development on the subject parcel. City Staff will have the opportunity to review the application to ensure that the proposed development is appropriate within the neighborhood context. Subject to the recommended conditions of approval, Variance 1 is considered desirable for the appropriate development of the land.

Variance 2 that is being sought by the applicant requests to permit a garage door height of 2.74 m. (8.99 ft.), whereas the by-law permits a maximum garage door height of 2.4 m. (7.87 ft.). As the lot area for the subject property will be 1,320.77 sq. m. (15,909 sq. ft.) and the lot width would be 47.60 m. (70.90 ft.) wide, sufficient amenity area will remain on the property, as the setbacks have not been reduced. The house and driveway will continue to be accessed through Lucinda Court, eliminating any concerns regarding traffic circulation. Subject to the recommended conditions of approval, Variance 2 is desirable for the development of the land.

### 4. Minor in Nature

Variance 1 is requested to permit an increased height to a main dwelling and is not expected to create adverse impacts on-site or off-site, nor alter the character of the community. The increase of building height of 3.68 m. (12.07 ft.) beyond what is permitted is considered a minor departure from the permitted height given the estate character of the area. This will ensure that the development will maintain the character of the surrounding area which is primarily large estate homes. The proposed home will be adequately setback from neighbouring properties. Subject to the recommended conditions of approval, the Variance 1 is considered minor in nature.

Variance 2 is requested to permit the additional height for proposed garage door on the subject property is not considered to have a negative impact relative to the urban design principles. Staff have determined that the increased height of the door will not cause negative visual impacts as the height of the overall home will be increased through the proposal. Subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellis Lewis".

Ellis Lewis, Assistant Development Planner

Appendix A:

