



Report Committee of Adjustment

Filing Date: February 16, 2024

Hearing Date: March 19, 2024

File: A-2024-0048

**Owner/
Applicant:** Rajinderpal Sekhon & Jaswinder Sekhon
Pamir Rafiq (Lucid Homes)

Address: 14 Beamish Court

Ward: 10

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0048 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the Applicant/Owner submit a Custom Home Application for Architectural Control Review;
 3. That the Applicant/Owner contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required;
 4. That no commercial or industrial uses shall operate from the garage;
 5. That drainage from the accessory structure (entertainment area) shall be directed on to the subject property and drainage on adjacent properties not be adversely impacted;
 6. 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 2 (RE2)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed single detached dwelling having a building height of 13.29 metres, whereas the by-law permits a maximum building height of 10.6 metres;
2. To permit a gross floor area of 71.45 square metres for one (1) accessory structures, whereas the by-law permits a maximum gross floor area of 23 square metres for one (1) accessory structure;
3. To permit an accessory structure having a height of 5 metres, whereas the by-law permits an accessory structure having a maximum height of 3.5 metres for a flat roof; and
4. To permit a garage door height of 3.05 metres, whereas the by-law permits a maximum garage door height of 2.4 metres.

Current Situation:

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

The property is designated as 'Estate Residential' in the Official Plan. The property is located within the Toronto Gore Rural Estate Secondary Plan (Area 26), for which there is no Secondary Plan in place. The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan, and are requested to facilitate the construction of a new single detached dwelling and an oversized accessory structure. The general intent and purpose of the Official Plan are maintained.

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

Variance 1 is requested to permit a proposed single detached dwelling having a building height of 13.29 metres, whereas the by-law permits a maximum building height of 10.6 metres. 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 impacts on adjacent properties.

Given that the proposed dwelling will be situated on a 0.96 hectare (2.37 acre) lot and is located in a residential rural estate area, the 2.69m increase in building height is not anticipated to create any adverse impacts relating to shadowing, privacy, or massing. The proposed dwelling will maintain all building setbacks and appropriate separation between the dwelling and adjacent lots. Furthermore, the increased building height is not considered to impact the character of the area which is generally defined by large estate homes. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a gross floor area of 71.45 square metres for one (1) accessory structures, whereas the by-law permits a maximum gross floor area of 23 square metres for one (1) accessory structure. The intent of the by-law in regulating the maximum permitted floor area of an accessory structure is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property.

Given the size (9,630.6 sq.m (0.96 hectares)) of this estate residential lot and the size of the proposed single detached dwelling of the lot, the proposed gross floor area of the accessory structure (entertainment area) is not anticipated to negatively impact the availability of amenity space. Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an accessory structure having a height of 5 metres, whereas the by-law permits an accessory structure having a maximum height of 3.5 metres for a flat roof. 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 massing impacts on adjacent properties.

The height of the accessory building structure (entertainment area) with a flat roof design is proposed to be 1.5m higher than what the by-law permits. Given the distance between the proposed accessory building and adjacent dwellings, the proposed increase in height of the accessory buildings is not considered to generate negative visual massing impacts. Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested to permit a garage door height of 3.05 metres, whereas the by-law permits a maximum garage door height of 2.4 metres. The intent of the by-law in regulating the maximum permitted 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.

In this case, the garage doors will not be facing the street and their height will be in keeping with the overall appearance and scale of the dwelling. as such, the increased garage door height and design is intended to be proportional to the size of the dwelling. In order to ensure that the increased garage door height does not facilitate the parking of oversized vehicles on a residential property, a condition of approval is provided that no commercial or industrial uses be constructed from the attached garage. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is proposing to construct a new dwelling and accessory structure which is comparable to others within the estate residential area. The requested variances will allow for an increase in building height, gross floor area for an accessory structure, accessory structure height, and garage door height. The variances are not anticipated to create any adverse impacts given the size of the property and overall sitting of the dwelling. Conditions of approval are recommended that the owner submit a Custom Home Application for Architectural Control Review. A Tree Inventory & Preservation plan and report will be required during the processing of the Custom Home Architectural Review application. The City's Open Space staff have a concern with the home and garage construction impacting the long-term health of any existing trees, including City street trees. The tree(s) are to be identified on the plan and protected with hoarding at the dripline. Any work within the dripline of the existing trees is strongly discouraged.

An additional condition of approval is provided that the applicant/owner contact the City's Forestry Department to review any existing trees effected by the proposed work 'prior to' and as a condition of minor variance/ CofA approval. A tree removal permit will be required to facilitate the proposed

development. Subject to the recommended conditions of approval, the variances are deemed desirable for the appropriate development of the land. Subject to the recommended conditions, the proposed variances are desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an estate residential area with relatively large property sizes. Considering the size and the conditions of the property, the requested variances relating to the building height, the proposed accessory structure, and garage door are not anticipated to have any adverse impacts on adjacent properties or the streetscape or provision of outdoor amenity space. The proposed variances are in line with the character of the neighbourhood. Subject to the recommended conditions of approval, the variances are minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit

