



## Report Committee of Adjustment

**Filing Date:** March 18, 2024

**Hearing Date:** April 23, 2024

**File:** A-2024-0094

**Owner/  
Applicant:** Pardeep Singh, Pawanjot Dhanoa

**Address:** 40 Bellini Avenue

**Ward:** WARD 10

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

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### **Recommendations:**

That application A-2024-0094 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 drainage on adjacent properties shall not be adversely affected;
  3. That no commercial or industrial uses shall operate from the detached garage;
  4. That the applicant to 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; and
  5. 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 detached garage on a property where there is already an attached private garage, whereas the by-law does not permit a detached garage on a property with an attached private garage;
2. To permit a detached garage having a height of 7.26 m. (23.82 ft.), whereas the by-law permits a detached garage with a maximum height of 4.5 m. (14.76 ft.) for a peaked roof;
3. To permit a detached garage having a gross floor area of 246 sq. m (2647.92 sq. ft.), whereas the by-law permits a detached garage having a maximum gross floor area of 48 sq. m. (516.87 sq. ft.);
4. To permit an addition to an existing single detached dwelling having a building height of 10.9 m. (35.76 ft.), whereas the by-law permits a maximum building height of 10.6 m. (34.78 ft.); and
5. To permit a detached garage to be used for habitable space (installation of a washroom).

**Current Situation:**

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

The property is designated 'Estate Residential' in the Official Plan and is located in the Toronto Gore Rural Estate Secondary Plan (Area 26). The requested variance works 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. The requested variances are not 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 to permit detached garage where there is an existing attached garage on the lot, whereas the by-law permits an attached garage only if there is no attached garage already on the lot. Variance 2 is to permit a detached garage having a height of 7.26m (23.82 ft.), whereas the by-law permits a detached garage with a maximum height of 4.5 m (14.76 ft.). The intent of the by-law in regulating a detached garage 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. Variance 3 is to permit a detached garage with an area of 246.02 sq. m (2647.92 sq. ft.), whereas the by-law permits a

detached garage with a maximum area of 48 sq. m (516.67 sq. ft.). The intent of the by-law in regulating the maximum permitted floor area of a detached garage is to ensure that the size of the garage does not negatively impact the outdoor space and not be the primary focus of the property.

Variances 1 and 2 were approved under Minor Variance file # A-2022-0383 but deemed null and void given the changes to the plans. The applicant submitted this application to have the gross floor area of 216.02 sq. m (2325 .22 sq. ft.). The detached garage is not anticipated to create any adverse impacts related to shadowing, privacy, or massing. The increased detached garage area will accommodate a sports court and facilitate the parking of motor vehicles. Subject to the recommended conditions of approval, the Variances 1, 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is to permit an addition to an existing single detached dwelling having a building height of 10.9 m (35.76 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, and privacy impacts on adjacent properties within residential zones. The 0.3 m (0.98 ft.) increase in height to the existing dwelling height is not anticipated to significantly contribute to shadowing onto the adjacent properties. Subject to the conditions of approval, Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested permit the construction of a washroom in the detached garage as this will be considered a habitable space. The intent of the by-law in prohibiting human habitation in accessory structures is to ensure safety of residents and to restrict occupancy on the property to the primary dwelling. In the current case, the owner's intention is to locate a washroom in the garage as a sports court will be located there as well, operating as an ancillary use instead of for habitation. Subject to the conditions of approval, Variance 5 is 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 variance to have an additional garage located on the lot with an increased height and gross floor area than what is currently permitted, as per the Zoning By-law. The requested variances are not anticipated to create any adverse impacts on-site or off-site given the size of the property and overall siting of the dwelling. The increases in heights and size for the detached garage are not expected to result in site conditions contributing to a sense that it is over developed. In order to ensure that the increased floor area of the detached garage does not facilitate commercial or industrial uses, a condition is recommended that no commercial or industrial uses be conducted from the garage. Subject to the recommended conditions of approval, Variances 1, 2 and 3 are considered desirable for the appropriate development of land.

Variance 4 is being sought by the applicant to permit a single detached dwelling having a building height of 10.9 m. (35.76 ft.), whereas the by-law permits a maximum building height of 10.6 m. (34.78 ft.) As the lot area for the subject property will be 8,159.63 sq. m. (87,829.53 sq. ft.) and the lot frontage is 63.28 m. (207.61 ft.), 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 Bellini Avenue, eliminating any

concerns regarding traffic circulation. Subject to the recommended conditions of approval, Variance 4 is desirable for the development of the land.

Variance 5 is requested to permit a detached garage to be used for habitable space (installation of a washroom). As the restroom will be located inside of the detached garage, Staff do not have concerns with the inclusion of the use contributing to an additional limitation for amenity space in the rear yard. Subject to the recommended conditions of approval, Variance 5 is considered desirable for the appropriate development of land.

#### 4. Minor in Nature

The requested variances to allow for a detached garage, an increase in size for the detached garage and an increase in height for both the detached garage and main dwelling. These variances are not expected to create adverse impacts on-site or off-site nor alter the character of the area and will help facilitate the overall design of the detached garage and main dwelling. Lastly, the applicant requested a variance which would permit the construction of a washroom in the detached garage. Staff have reviewed the Concept Plan and are aware that the washroom will be used in conjunction with the sports court. Subject to recommended conditions of approval, the proposed variances are considered minor in nature.

Respectfully Submitted,

*Ellis Lewis*

Ellis Lewis, Assistant Development Planner

**Appendix A:**

