



Report Committee of Adjustment

Filing Date: May 6, 2024
Hearing Date: June 18, 2024

File: A-2024-0145

**Owner/
Applicant:** SANDEEP MAKKAR AND NAMITA MAKKAR

Address: 26 Manswood Crescent

Ward: WARD 8

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2024-0145 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-2024-0015;
3. The subject lands exhibit high archaeological potential because they are within 300 meters of known archaeological sites, present/past water sources and a known cultural heritage resource (Hilltop-Gore Cemetery). The Owner must provide an Archaeological Assessment(s) for all lands within the subject application, and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. No grading, filling, or any form of soil disturbances shall take place on the subject property prior to the acceptance of the Archaeological Assessment(s) by the City and the Ministry of Heritage, Sport, Tourism and Culture Industries indicating that all archaeological resource concerns have met licensing and resource conservation requirements.

Should a cemetery be discovered during any phase of the Archaeological Assessment(s), topsoil stripping, grading or construction, the Owner shall, at their expense, undertake mitigation measures to the satisfaction of applicable provincial agencies and the Commissioner, Planning and Development Services.

If the lands were subject to a previous Archaeological Assessment that was accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries and City Heritage staff, the

applicant must provide a copy of the report(s) and associated correspondence from the Ministry and Heritage staff confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

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 One (RE1)', 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 maximum building height of 15.85m, whereas the by-law permits a maximum building height of 10.6m; and
2. To permit a garage door height of 3.05m, whereas the by-law permits a maximum garage door height of 2.4m.

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and is located within the Clairville Conservation Secondary Plan, for which there is currently no Secondary Plan in place. 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.

As per the Regionally-Approved Brampton Plan the subject property is designated the following:

- Community Areas – Schedule 1A
- Neighbourhoods – Schedule 2

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

The subject property is currently zoned 'Residential Rural Estate One' (RE1), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a proposed single detached dwelling having a maximum building height of 15.85m, whereas the by-law permits a maximum building height of 10.6m. 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.

The applicant is proposing to demolish the existing dwelling and construct a two storey custom home. The subject property is located within the Estate Residential area which is characterized by large individual lots with low density housing forms. Given that the proposed dwelling will be situated on an approximately 1.22 hectares (3.01 acres) lot and is located in a rural estate residential area, the 5.25m increase in building height is not anticipated to create any adverse impacts related to shadowing, privacy or massing as it will be setback from neighbouring lots and the street line. The increased building height is not considered to impact the character of the area which is defined by large estate homes. Subject to the recommended conditions of approval, Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a garage door height of 3.05m, whereas the by-law permits a maximum garage door height of 2.4m. 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.

Based on the site plan drawing, the garage doors will be located on the southeastern side of the dwelling and they will not be visible from the street. In comparison to the height of the proposed single detached dwelling (15.85m), the proposed garage door will measure 3.05m in height. Consequently, Staff do not anticipate the garage becoming the focal point of the dwelling. An additional 0.65m increase in the garage door height is being requested, which is not expected to adversely affect the neighborhood's character or aesthetic. Moreover, the heightened door will contribute to a more proportionate design of the dwelling. Subject to the conditions of approval, Variance 2 is deemed to uphold the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1 and 2 are requested to permit an increased building height for a proposed new dwelling and garage door height. The subject lands are located within the estate residential area where larger lots are associated with larger size dwellings. Given the large lot size of the subject lands and the overall location of the proposed dwelling, the proposed dwelling height of 15.85m and garage door height of 3.05m is not anticipated to create any adverse impacts to neighbouring properties. The proposed dwelling is subject to an ongoing Custom House Architectural Control application (CH-2024-0015) which will review the design of the dwelling and garage in relation to the architectural style of the existing neighbourhood. Subject to the recommended conditions of approval, the variances are considered to be desirable for the appropriate development of land.

4. Minor in Nature

Variance 1 is requested to permit an increase in building height for a proposed dwelling is not expected to create adverse massing impacts on-site or off-site as it is adequately setback from neighbouring properties. The increased building height is not anticipated to alter the character of the area as most

lots with these sizes accommodate dwellings larger in size. Subject to the recommended conditions of approval, the proposed variances are 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. 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 and the doors will not be visible from the streetscape. Subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions