



Report Committee of Adjustment

Filing Date: June 19, 2024
Hearing Date: August 20, 2024

File: A-2024-0240

**Owner/
Applicant:** Jaideep Singh Sidhu, Rupinder Kaur Sidhu
Shane Edwards, Kurtis Van Keulen

Address: 554 Conservation Drive

Ward: WARD 2

Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0240 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 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;
4. That prior to the issuance of Building Permits and commencement of any construction, the applicant/owner shall provide, at a minimum, a Stage 1 & 2 Archaeological Assessment(s) for the entire subject property, and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Citizenship and Multiculturalism. 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 Citizenship and Multiculturalism indicating that all archaeological resource concerns have met licensing and resource conservation requirements; 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 Single Detached Special Section 106 (R1A-SS 106)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed, two storey single family dwelling with an interior side yard setback of 2.4m, whereas the by-law requires a minimum interior side yard setback of 3.0m;
2. To permit a proposed, two storey single family dwelling having a maximum building height of 13.768m, whereas the by-law permits a maximum building height of 7.6m;
3. To permit a proposed attached garage, having 3 vehicle garage doors, all with a maximum door height of 2.743m, whereas the by-law permits a maximum garage door height of 2.4m for an attached garage;
4. To permit one proposed detached garage, where there already is a proposed attached garage, whereas the by-law permits only on detached garage or carport on each lot, and only if there is no attached private garage or carport already on the lot;
5. To permit a proposed detached garage, having a maximum gross floor area of 76.90m², whereas the by-law permits a maximum gross floor area of 48m² for a detached garage;
6. To permit a proposed, detached garage having a maximum building height of 7.564m, whereas the by-law permits a maximum height of 4.5m in the case of a peaked roof, and 3.5m in the case of a flat roof for a detached garage;
7. To permit a proposed detached garage, having 3 vehicle garage doors, all with a maximum door height of 2.743m, whereas the by-law permits a maximum vehicle garage door height of 2.4m for a detached garage.

Current Situation:

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

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan,

known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

The property is designated 'Residential' in the 2006 Official Plan and 'Low Density Residential' in the Snelgrove-Heartlake Secondary Plan (Area 1). The requested variances seek to facilitate the construction of a new dwelling on the property with reduced setbacks, increased dwelling, garage, and garage door height. The variances are not considered to be contrary to the policies of the Official Plan and Secondary Plan, and maintain the general intent and purpose of the Official Plan.

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

The property is zoned 'Residential Single Detached Special Section 106 (R1A-SS 106)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a proposed, two storey single family dwelling with an interior side yard setback of 2.4m, whereas the by-law requires a minimum interior side yard setback of 3.0m. The intent of the by-law in regulating the required side yard setback is to ensure that sufficient distance is maintained between dwellings and that the massing of the building does not impose upon the adjacent property. A 2.4 metres interior side yard setback is proposed along the southern wall of the dwelling resulting in a 0.6m reduction from what the Zoning By-law requires. An approximate building separation of 9.68 metres will be maintained between the new and the neighbouring dwelling. Although a setback reduction is sought, the resulting site conditions and location of the proposed dwelling are not anticipated to exacerbate any potential negative impacts generated from the massing of the building. Sufficient space will remain between the wall of the dwelling and the interior side lot line for access and maintenance on the property. The variance is considered to maintain the general intent of the Zoning By-law.

Variance 2 is requested to permit a proposed two storey single family dwelling having a maximum building height of 13.768m, whereas the by-law permits a maximum building height of 7.6m. The intent of the by-law in regulating the maximum permitted building height for a residential dwelling is to ensure that there are no negative massing, shadowing and privacy impacts on adjacent properties.

The applicant proposes to demolish the existing dwelling and construct a new two-storey custom home. The subject property is situated in the low-density residential Snelgrove-Heartlake area, known for its large individual lots and low-density housing. Due to the architectural design of the dwelling, which includes a flat roof section, the height is measured at the roof's peak rather than its midpoint. The requested increase in building height will be concentrated in the center of the building footprint, affecting only a small portion of the overall roof. According to the submitted building elevations, most of the roof structure will have an approximate height of 10.69 metres. The variance is not expected to cause any adverse effects related to shadowing, privacy, or massing, as the structure will be set back from neighboring lots and the street. The increased building height is not anticipated to affect the character of the area, which is generally defined by large estate homes.

Variance 3 is requested to permit a proposed attached garage, having 3 vehicle garage doors, all with a maximum door height of 2.743m, whereas the by-law permits a maximum garage door height of 2.4m for an attached garage. Variance 7 is requested to permit a proposed detached garage, having 3 vehicle

garage doors, all with a maximum door height of 2.743m, whereas the by-law permits a maximum vehicle garage door height of 2.4m for a detached garage.

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 not be visible from the street. In comparison to the height of the proposed single detached dwelling (13.768m), the proposed garage door will measure 2.743m in height. Consequently, Staff do not anticipate the garage becoming the focal point of the dwelling. An additional 0.343m 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.

Variance 4 is requested to permit one proposed detached garage, where there already is a proposed attached garage, whereas the by-law permits only one detached garage or carport on each lot, and only if there is no attached private garage or carport already on the lot. The detached garage is not anticipated to create any adverse impacts related to shadowing, privacy, or massing. The increased detached garage area will accommodate and facilitate the parking of motor vehicles.

Variance 5 is requested to permit a proposed detached garage, having a maximum gross floor area of 76.90 square metres, whereas the by-law permits a maximum gross floor area of 48 square metres for a detached garage.

Variance 6 is requested to permit a detached garage having a maximum building height of 7.564 metres, whereas the bylaw permits a maximum height of 4.5 metres in the case of a peaked roof, and 3.5m in the case of a flat roof for a detached garage. The intent of the By-law in regulating the maximum garage height is to ensure that garages do not have a commercial appearance and in regulating the size of detached garages is to ensure that they are used for parking purposes and aren't visually dominant in terms of massing on the site.

The proposed detached garage is designed to provide adequate space for parking vehicles indoors, ensuring that it meets the practical needs of the property. The garage's size has been carefully planned to be proportionate to the site, ensuring that it does not lead to overdevelopment or disrupt the balance of the property. The height of the garage has been designed to align with the overall scale and appearance of the existing dwelling, maintaining architectural harmony across the property. The GFA increase is minimal and within the capacity of the site, ensuring that the structure remains proportionate to the lot size. The increase in size also allows for the functional use of the garage without compromising open space or the visual appeal of the property given that it will be located behind the dwelling and away from the street.

Subject to the recommended conditions of approval, the variances maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1-3 are requested to permit a reduced setback of 2.4m, an increased building height for a proposed new dwelling, and increased garage door height. Variances 4-7 request the addition of a detached garage where there is already a proposed attached garage, increased detached garage gross floor area, increased detached garage height, and increased detached garage door height. The subject

lands are located within the low density residential Snelgrove-Heartlake area which is characterized by large individual lots with low density housing forms. Given the large lot size of the subject lands and the overall location of the proposed dwelling, the proposed dwelling height of 13.768m, proposed garage height of 7.564m, addition of a detached garage with an increased gross floor area of 76.90 square metres, and garage door height of 2.743m is not anticipated to create any adverse impacts to neighbouring properties.

The applicant is requesting variances 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. There are no negative visual impacts anticipated from the proposal given that building will in part be screened by existing mature vegetation on the property. 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.

Heritage staff note that the subject property exhibits archeological potential due to its location. A condition of approval is recommended that prior to the issuance of Building Permits and commencement of any construction, the applicant/owner shall provide, at a minimum, a Stage 1 & 2 Archaeological Assessment(s) for the entire subject property and shall mitigate adverse impacts to any significant archaeological resources, found, to the satisfaction of the City and the Ministry of Citizenship and Multiculturalism. 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 Citizenship and Multiculturalism indicating that all archaeological resource concerns have met licensing and resource conservation requirements.

A further condition of approval is provided that the owner/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.

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

4. Minor in Nature

The requested variances are to allow for a detached garage, an increase in size for the detached garage, an increase in height for both the detached garage and proposed main dwelling, increase in garage door height for both the attached and detached garage, and a decrease in setback. 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. Subject to recommended conditions of approval, the proposed variances are considered minor in nature.

Respectfully Submitted,

EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos

