



## Report Committee of Adjustment

**Filing Date:** August 9, 2024  
**Hearing Date:** September 17, 2024

**File:** A-2024-0307

**Owner/  
Applicant:** PARAMJIT SINGH NIRWAN, PARAMJEET KAUR NIRWAN

**Address:** 9 Rae Avenue

**Ward:** WARD 10

**Contact:** Ellis Lewis, Planner I

---

### **Recommendations:**

That application A-2024-0307 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 if the detached garage be converted to an additional dwelling unit, further approvals shall be required;
  3. That drainage from the proposed detached garage shall be contained on the subject property and not impact abutting properties;
  4. That no commercial or industrial uses shall operate from the detached garage; and
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### **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 proposed private detached garage in the rear yard, whereas the by-law permits a private detached garage only if there is no attached private garage or carport already on the lot;
2. To permit a proposed private garage having a gross floor area of 222.96 square metres (2,400 square feet), whereas the by-law permits a maximum gross floor area of 48 square metres (516.67 square feet) for a private detached garage;
3. To permit a proposed private garage having a height of 6.74 square metres (22.11 feet), whereas the by-law permits a maximum height of 4.5 metres (14.76 feet) in the case of a peaked roof for a detached garage; and
4. To permit a proposed private garage having three vehicle garage doors, all with a maximum height of 3.05 metres (10.0 feet), whereas the by-law permits a maximum vehicle garage door height of 2.4 metres (7.87 feet).

**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 Rural Estate Two (RE2)' 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 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

Variances that spoke to permitting a detached garage in addition to an attached garage on the lot, increased gross floor area, building height of the garage and lastly, garage door height were approved under Minor Variance file # A-2021-0029 but deemed null and void given the changes to the plans.

Variance 1 is requested to permit a proposed private detached garage in the rear yard, whereas the by-law permits a private detached garage only if there is no attached private garage or carport already on the lot. 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 instead of commercial storage. The proposed detached garage is not anticipated to create any adverse impacts related to shadowing, privacy, or massing. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a proposed private garage having a gross floor area of 222.96 square metres (2,400 square feet), whereas the by-law permits a maximum gross floor area of 48 square metres (516.67 square feet) for a private detached garage. 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. The proposed detached garage will be located in the rear yard of the property. The size of the detached garage is not anticipated to detract from the outdoor amenity area or be a primary focus of the property. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit a proposed private garage having a height of 6.74 square metres (22.11 feet), whereas the by-law permits a maximum height of 4.5 metres (14.76 feet) in the case of a peaked roof for a detached garage. Variance 4 is requested to permit a proposed private garage having three vehicle garage doors, all with a maximum height of 3.05 metres (10.0 feet), whereas the by-law permits a maximum vehicle garage door height of 2.4 metres (7.87 feet). The intent of the by-law in regulating the maximum permitted building height and height of the doors for a detached garage on a residential property is to ensure that the heights and size of the garage are not larger than the principal dwelling. The 2.24 metre (7.35 feet) increase in height to the limit that is currently permitted for a detached garage is not anticipated to significantly contribute to shadowing onto the adjacent properties. A condition of approval is recommended that no commercial or industrial uses shall operate from the detached garage. Subject to the conditions of approval, Variances 3 and 4 are 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 a detached 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. With a lot size of 9792.4 square metres (105,404.52 square feet), the increases in height and size for the proposed detached garage are not expected to result in site conditions contributing to a sense that it is over developed. Due to the size of the rear yard, Staff do not have concerns regarding a lack of amenity space on the property, as setbacks are being maintained on the property. The Toronto and Region Conservation Authority (TRCA) completed their

review of the application and have provided confirmation that the proposed location for the detached garage would be completely outside of the TRCA's regulated jurisdiction. Provided no alterations to grading is to occur beyond the footprint of the garage and driveway shown, a permit from their office would not be required. 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, 3 and 4 are considered desirable for the appropriate development of land.

#### 4. Minor in Nature

The requested variances seek to permit the construction of a detached garage, an increase in size for the detached garage and an increase in height for both the detached garage and three garage doors. Staff worked with the applicant as TRCA Staff identified that the original location of the proposed detached garage would be within a regulatory flood plain. A revised Site Plan was submitted by the applicant and TRCA Staff reviewed the updated drawing to ensure that no new development was constructed within the hazard zone or 10 metre buffer area. 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. In regard to the overall height of the garage, Staff examine plans to ensure that there are no negative massing, shadowing, and privacy impacts on adjacent properties. Subject to recommended conditions of approval, the proposed variances are considered minor in nature.

Respectfully Submitted,

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

Ellis Lewis, Planner I

**Appendix A:**

