



Report Committee of Adjustment

Filing Date: August 16, 2024
Hearing Date: September 17, 2024

File: A-2024-0317

**Owner/
Applicant:** MANJINDER KALER & RANDJOCH KALLER

Address: 26 Michaelangelo Boulevard

Ward: WARD 10

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0317 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 owner finalize Custom Home approval under City File # CH-2024-0028 and post any required financial securities and insurance to the satisfaction of the Director of Development Services; and
 4. That no commercial or industrial uses shall operate from the attached garage; 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 single detached dwelling having a building height of 13.65 metres (44.78 feet), whereas the by-law permits a maximum building height of 10.6 metres (34.77 feet);
2. To permit a garage door height of 3.05 metres (10.01 feet), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 feet);
3. To permit a landscaped open space in the front yard of 69.31%, whereas the by-law requires a minimum landscaped open space of 70% of the front yard.

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 variances 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

Variance 1 is requested to permit a single detached dwelling having a building height of 13.65 metres (44.78 feet), whereas the by-law permits a maximum building height of 10.6 metres (34.77 feet). 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 or privacy impacts on adjacent properties. The increase of 3.05 metres (10 feet) to the height that is permitted is not anticipated to significantly contribute to shadowing onto adjacent properties, due to the proposed home's sitting on the lot. The proposed Concept Plan indicates that all applicable side yard setbacks will be maintained, mitigating adverse

impacts with respect to massing and shadowing on abutting properties. Subject to the recommended conditions of approval, the Variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a garage door height of 3.05 metres (10.01 ft), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 ft.). The intent of the by-law in regulating the maximum door height for accessory structures is to ensure that the garage door is not a primary focus of the structure's design and to ensure that the garage is used for residential uses rather than to store commercial vehicles. The 0.65 metre (2.13 feet) increase in height to the limit that is currently permitted for a garage door is not anticipated to significantly contribute to shadowing onto the adjacent properties. 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 69.31% front yard landscaping, whereas 70% front yard landscaping is permitted. The intent of the Zoning By-law in requiring a minimum percentage of the front yard to be landscape open space is to ensure that the property has an adequate amount of open/green space at the front and the area has a consistent streetscape. Due to the large size of the lot, Staff do not view the limited deviation as one that will not align with neighbourhood character. Engineering Staff have also reviewed the application and do not have concerns surrounding drainage issues on abutting properties as a result of the reduction in front yard green space. Subject to the conditions of approval, Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is being requested to permit a single detached dwelling having a building height of 13.65 metres (44.78 feet). The increase of 3.05 metres (10 feet) to the permitted height is not anticipated to significantly contribute to shadowing onto adjacent properties. The lot is currently vacant but a Custom Home application (File # CH-2024-0028) has been submitted for the newly proposed residential development on the subject parcel. City Staff will have the opportunity to further review the application to ensure that the proposed development is appropriate within the neighborhood context. Subject to the recommended conditions of approval, the Variance 1 is considered desirable for the appropriate development of the land.

Variance 2 is being sought by the applicant with a request to permit a garage door height of 3.05 metres (10.01 feet), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 feet). Staff are of the opinion that the additional 0.65 metre (2.13 feet) increase in height to the garage's door will not significantly impact neighbourhood character or aesthetic and will contribute to a proportionate design of the structure. A condition of approval is recommended that no commercial or industrial uses shall operate from the storage shed. The accessory storage structure shall not be used for the storage of oversized vehicles as well. Subject to the recommended conditions of approval, Variance 2 is desirable for the development of the land.

Variance 3 is requested to permit a reduced amount of landscaping in the front yard of the property. The minor reduction in required open space in the front yard will assist with the design and development of the driveway that will be constructed. With a land frontage of 37.96 metres (124.54 feet) and an area of 8,227.47 square metres (88,555.75 square feet), Staff's concerns surrounding the amount of

landscaping on site are alleviated. Subject to the recommended conditions of approval, the Variance 3 is appropriate for the development of the land.

4. Minor in Nature

Variance 1 is being sought to increase the height of the proposed single dwelling house over the height that is currently permitted. This variance is 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 Variance 1 is considered minor in nature.

Variance 2 is requested to permit additional height for a door to a proposed garage on the subject property. This variance is not considered to have a negative visual impact relative to the public realm given the orientation of the structure. Subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

Variance 3 is being sought to reduce the required landscape open area in the front yard by 0.7%. Staff do not view the deviation as one that will significantly impact the streetscape or character design of the community. A Custom Home Application (File # CH-2024-0028) has been submitted to ensure that the development aligns with the neighbourhood context. Subject to the recommended conditions of approval, Variance 3 is considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Ellis Lewis, Planner I