



Report Committee of Adjustment

Filing Date: September 13, 2024

Hearing Date: October 15, 2024

File: A-2024-0355

**Owner/
Applicant:** SUBHASH CHANDER, DARSHANA RANI, AMARDEEP SINGH & KHUSHMEET
PUNA

Address: 10 Kenny Court

Ward: WARD 10

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0355 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that generally 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.
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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 with a maximum door height of 2.44 metres (8 feet), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 feet);
2. To permit a proposed detached garage having a setback of 9.7 metres (31.82 feet) from a street, whereas the by-law permits a detached garage to be no closer to a street than the required front yard depth (12 metres (39.37 feet)) for a main building;
3. To permit a detached garage having a gross floor area of 101.29 square metres (1,090.27 square feet), whereas the by-law permits a detached garage having a maximum gross floor area of 48 square metres; and
4. To permit a detached garage having a height of 6.80 metres (22.31 feet), whereas the by-law permits a detached garage with a maximum height of 4.50 metres to the midpoint of the sloped roof.

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 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 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 detached garage with a maximum door height of 2.44 metres (8 feet), whereas the by-law permits a maximum garage door height of 2.4 metres (7.87 feet). The intent

of the by-law in regulating the maximum door height for a garage 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 0.04 metre (0.13 foot) 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 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a proposed detached garage having a setback of 9.7 metres (31.82 feet) from a street, whereas the by-law permits a detached garage to be no closer to a street than the required front yard depth (12 metres (39.37 feet)) for a main building. The intent in maintaining the setback distance from the detached garage to the street is to ensure that sufficient area is provided for parking and landscaped area. The detached garage will require the reduced setback along the west side of the lot, which abuts St. John's Road. As this garage will have a driveway leading to the structure, Staff are not concerned with the garage's location having a significant negative impact on the streetscape of the neighbourhood as the residential dwelling will front onto Kenny Road. The subject property is characterized by large and mature vegetation along its perimeter which will serve as screening. 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 detached garage having a gross floor area of 101.29 square metres (1,090.27 square feet), whereas the by-law permits a detached garage having a maximum gross floor area of 48 square metres. 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 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 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. 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. Furthermore, mature vegetation along the perimeter of the property will serve as screening to limit any visual impacts onto the streetscape. A condition of approval is recommended that no commercial or industrial uses shall operate from the detached garage. Subject to the conditions of approval, Variance 4 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 sought by the applicant with a request to permit a garage door height of 2.44 metres (8 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 0.04 metre (0.13 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 1 is desirable for the development of the land.

Variance 2 is requested to permit a proposed detached garage having a setback of 9.7 metres (31.82 feet) from a street, whereas the by-law permits a detached garage to be no closer to a street than the required front yard depth (12 metres (39.37 feet)) for a main building. As the detached garage will be located in the rear yard of the property, Staff do not have concerns with the requested variance as an adequate amount of open/green space will be maintained to remain consistent with neighbourhood character and the streetscape. It is also key that the detached garage does not become the dominant structure on the lot. A condition has been added to the report, stating that an additional review will be required if the structure is converted into a habitable space. Subject to the recommended conditions of approval, Variance 2 is considered desirable for the appropriate development of land.

The applicant is requesting variances 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 depth of 106.64 metres (349.86 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. 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, 3 and 4 are considered desirable for the appropriate development of land.

4. Minor in Nature

Variance 1 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 1 is considered minor in nature.

Variance 2 is requested to reduce the setback to from a street to a detached garage. The distance from the street to the garage will be 9.7 metres (31.82 feet), a reduction of only 2.3 metres (7.5 feet) from what is set out in the Zoning By-law is being requested. Staff do not have concerns regarding it's impact on neighboring property or the streetscape, as the house fronts onto Kennedy Road and will be set back a far distance from the front yard property line. Subject to the recommended conditions of approval, Variance 2 is considered minor in nature.

The requested variances seek to increase the size for the detached garage and increase the height for both the detached garage door. 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. Regarding the overall height of the garage, Staff have examined 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,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

