



Report Committee of Adjustment

Filing Date: August 14, 2024
Hearing Date: November 12, 2024

File: A-2024-0313

**Owner/
Applicant:** PARDEEP SINGH, PAWANJOT DHANOA

Address: 40 Bellini Avenue

Ward: WARD 10

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2024-0313 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 cabana undergo further construction be converted to an additional dwelling unit, further approvals shall be required;
 3. That the applicant 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 the owner pay the TRCA's Minor Variance Review fee for Subdivisions of \$660.00
 5. That drainage on adjacent properties shall not be adversely affected; and
 6. 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 an interior side yard setback of 7.2 metres (23.62 feet) to a proposed attached garage, whereas the by-law requires a minimum interior side yard setback of 7.5 metres (24.61 feet);
2. To permit a two-storey addition to an existing single- detached dwelling having a building height of 11.12 metres (36.48 feet), whereas the by-law permits a maximum building height of 10.6 metres (34.78 feet);
3. To permit an accessory structure (proposed cabana) in the interior side yard, whereas the by-law does not permit an accessory structure in the interior side yard;
4. To permit an accessory structure (proposed cabana) having a gross floor area of 67 square metres (721.18 square feet), whereas the by-law permits a maximum gross floor area of 23 square metres (247.57 square feet) for an individual accessory structure;
5. To permit an accessory structure (proposed shed) having a gross floor area of 45 square metres (484.38 square feet), whereas the by-law permits a maximum gross floor area of 23 square metres (247.57 square feet) for an individual accessory structure;
6. To permit a combined gross floor area of 112 square metres (1205.56 square feet) for two accessory structures, whereas the by-law permits a maximum combined gross floor area of 40 square metres (430.55 square feet); and
7. To permit an accessory structure (proposed cabana) to be used for human habitation (washroom and kitchen facilities), whereas the by-law does not permit the use.

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 'Estate Residential' in the Official Plan and is located in the Toronto Gore Rural Estate Secondary Plan (Area 26). The requested variances 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. 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 an interior side yard setback of 7.2 metres (23.62 feet) to a proposed attached garage, whereas the by-law requires a minimum interior side yard setback of 7.5 metres (24.61 feet). The intent of the by-law in regulating the interior side yard setback to the attached garage is to ensure that an adequate amount of space is provided to allow for drainage, while still permitting access to the rear yard.

Variance 2 is requested to permit a two-storey addition to an existing single-detached dwelling having a building height of 11.12 metres (36.48 feet), whereas the by-law permits a maximum building height of 10.6 metres (34.78 feet). The intent of the by-law in regulating the maximum permitted building height for a single-detached dwelling is to ensure that there are no negative massing, shadowing or privacy impacts on adjacent properties. While there is a request for a slight reduction to the side yard setback, all other setbacks to property lines are maintained, mitigating adverse effects regarding massing and shadowing on adjacent properties. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is requested to permit an accessory structure (proposed cabana) in the interior side yard, whereas the by-law does not permit an accessory structure in the interior side yard. The intent of the by-law in regulating accessory structure in interior side yards is to ensure that the appearance of the structure does not negatively impact the overall streetscape. The cabana maintains a 1.85 metre (6.07 feet) setback from the side yard property line. Subject to the recommended conditions of approval, Variance 3 maintains the general intent and purpose of the by-law.

Variance 4 is requested to permit an accessory structure (proposed cabana) having a gross floor area of 67 square metres (721.18 square feet), whereas the by-law permits a maximum gross floor area of 23 square metres (247.57 square feet) for an individual accessory structure. Variance 5 is requested to permit an accessory structure (proposed shed) having a gross floor area of 45 square metres (484.38 square feet), whereas the by-law permits a maximum gross floor area of 23 square metres (247.57 square feet) for an individual accessory structure. As both these structures combine to exceed the permitted gross floor area for accessory structures on a property, a sixth variance is required. Variance 6 is required to permit a combined gross floor area of 112 square metres (1205.56 square feet) for two accessory structures, whereas the by-law permits a maximum combined gross floor area of 40 square metres (430.55 square feet).

The intent of the by-law in regulating the maximum permitted gross floor area of accessory structures is to ensure that the property is not dominated by additional buildings and limit the provision of outdoor recreational space. The proposed cabana and shed will be located behind the single-detached home. The sizes of these structures are not anticipated to detract from the outdoor amenity area or be a primary focus of the property as the home sits on a large lot. Subject to the conditions of approval, Variances 4, 5 and 6 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 7 is requested permit the construction of a washroom and kitchenette in the proposed cabana. The intent of the by-law in prohibiting these uses in accessory structures is to ensure safety of residents and to restrict occupancy on the property to the primary dwelling. In the current case, the owner's intention is to locate a washroom and kitchenette in the cabana, further supporting the recreational use instead of for habitation. Subject to the conditions of approval, Variance 7 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 requested to have the side yard setback reduce to an attached age by 0.3 metres (0.98 feet) less than what is currently permitted, as per the Zoning By-law. City Engineering Staff do not have concerns regarding drainage that would be limited due to the setback reduction. As this is a single-detached home, concerns regarding access to the rear yard are mitigated. Variance 2 requested is to permit an addition to an existing single detached dwelling having a building height of 11.12 metres (36.48 feet). The 0.52 metre (1.71 foot) increase in height to the existing permitted dwelling height is not anticipated to significantly contribute to shadowing onto the adjacent properties, due to its sitting on the lot and proximity to neighbouring properties. Subject to the conditions of approval, Variances 1 and 2 are considered appropriate for the development of the land.

Variances 3, 4, 5 and 6 speak to the location of the proposed cabana in the interior side yard and increased gross floor area for the proposed cabana and shed in the rear yard. The proposed location and size of the accessory structures are not considered to cause negative visual impacts or contribute to a significant loss of outdoor amenity space area on the property. The height for the proposed cabana and shed will be 3.5 metres (11.48 feet). They do not exceed height requirements and are far removed from the front property line, limiting impact on the street. Natural landscaping features such as trees and shrubs also provide screening from abutting properties. A condition of approval is recommended that drainage on adjacent properties should not be adversely affected. Subject to the recommended conditions of approval, Variances 3, 4, 5 and 6 are considered desirable for the appropriate development of the land.

Variance 7 is requested to permit the construction of a kitchenette and washroom in the proposed cabana. As the restroom and kitchenette will be located inside of the cabana, Staff do not have concerns with the inclusion of the uses contributing to a limitation of amenity space in the rear yard, as these features further supports the recreational use. Subject to the recommended conditions of approval, Variance 7 is considered desirable for the appropriate development of land.

4. Minor in Nature

Variations 1 and 2 were submitted to reduce the setback to an attached garage and increase in height of the main dwelling. These variations 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 garage and main dwelling. Subject to recommended conditions of approval, Variations 1 and 2 are considered minor in nature.

Variations 3,4, 5, and 6 speak to the location of the proposed cabana and the gross floor area of the shed that will be located in the rear yard, in addition to the proposed cabana in the interior side yard. As the lot area for the subject property will be 8,159.63 square metres (87,829.53 square feet) and the lot frontage is 63.28 metres (207.61 feet), sufficient amenity area will remain on the property. Due to the sitting of the home on the large portion of land and distance from the front property line, Staff's concerns regarding the structures' visibility to the street are alleviated. Subject to recommended conditions of approval, Variations 3, 4, 5 and 6 are considered minor in nature.

Lastly, the applicant requested a variance which would permit the construction of a washroom and kitchenette in the proposed cabana. Staff have reviewed the Concept Plan and are aware that these features will support the amenity use and not be used for human habitation. Subject to recommended conditions of approval, Variance 7 is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

