



Report Committee of Adjustment

Filing Date: January 22, 2024
Hearing Date: February 25, 2024

File: A-2025-0012

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

Address: 9 Rae Avenue

Ward: WARD 10

Contact: Ellis Lewis, Planner I

Recommendations:

That application A-2025-0012 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance 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 Owner submit a scoped Landscape Plan depicting proposed landscaping features (shrubs, vegetation, trees) surrounding the detached garage and property line to soften the massing and visual impacts of the structure to the satisfaction of the Director of Development Services;
5. That no commercial or industrial uses shall operate from the detached garage;
6. That all oversized motor vehicles not be permitted on the property unless they are stored inside the detached garage;
7. That the applicant pay the TRCA's Minor Variance Review fee as per the TRCA's comment letter dated February 7, 2025;

8. That a TRCA permit pursuant to Ontario Regulation 41/24 may be required for any future works on the subject property; and
 9. 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 proposed detached garage having a height of 6.76 metres (22.17 feet), whereas the By-law permits a maximum height of 3.5 metres in the case of a flat roof (11.48 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 'Estate 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 variance is not considered to have significant impacts within the context of the Official Plan policies. The requested variance is 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

The variance being sought is requested to permit a proposed detached garage having a height of 6.76 metres (22.17 feet), whereas the By-law permits a maximum height of 3.5 metres in the case of a flat

roof (11.48 feet). The intent of the by-law in regulating the maximum permitted building height for a detached garage on a residential property is to ensure that the height and size of the garage are not larger than the principal dwelling. The applicant previously submitted a Minor Variance application (file # A-2024-0307) 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 the detached garage. The 3.26 metre (10.70 feet) increase in height beyond the limit that is currently permitted for a detached garage is not anticipated to significantly contribute to shadowing onto the adjacent properties. Conditions of approval are recommended that no commercial or industrial uses shall operate from the detached garage and that all oversized vehicles on the lot should be stored within the detached garage. Subject to the conditions of approval, the requested variance is 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 a variance to have a detached garage located on the lot with a height that would be higher than what is currently permitted, as per the Zoning By-law. The requested variance is not expected 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 proposed detached garage is 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 recreational 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 regulatory floodplain but within the regulated area. 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. A condition has also been added to the report to assist within the screening of the addition through the use of landscaping features surrounding the garage and property line. Subject to the recommended conditions of approval, the requested variance is considered desirable for the appropriate development of land.

4. Minor in Nature

The requested variance seeks to permit an increase in size for the detached garage. The TRCA Staff have reviewed the submitted Site Plan to ensure that no new development was constructed within the regulatory floodplain. The requested variance is not expected to create adverse impacts on-site or off-site nor alter the character of the area and it will help facilitate the overall design of the detached garage. In regard to the overall height of the garage, Staff 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 variance is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Planner I

Appendix A:

