



Report Committee of Adjustment

Filing Date: January 22nd, 2025
Hearing Date: February 25th, 2025

File: A-2025-0004

**Owner/
Applicant:** **Kulwinder Singh & Kamaljit Kang**

Address: **21 Estateview Circle**

Ward: WARD 10

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2025-0004 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 no oversized vehicles shall be stored outside of the garage;
 4. That drainage from the proposed detached garage shall be contained on the subject property and not impacting abutting properties;
 5. That no commercial or industrial uses shall operate from the detached garage;
 6. That the 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;
 7. 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 having a gross floor area of 222.96 square metres, whereas the by-law permits a detached garage having a maximum gross floor area of 48 square metres;
2. To permit a vehicle garage door height of 3.05 metres for the proposed detached garage, whereas the by-law permits a maximum vehicle garage door height of 2.4 metres for a detached garage;
3. To permit a detached garage having a building height of 6.75 metres for a flat roof, whereas the by-law permits a detached garage having a height of 3.5 metres in the case of a flat roof;
4. To permit a detached garage on the lot with an existing attached garage on the lot, whereas the by-law does not permit an attached garage and detached garage on the lot; and
5. To permit oversized motor vehicles (tractors, including attachments), whereas the by-law does not permit oversized motor vehicles.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the 2006 Official Plan and is located in the Toronto Gore Rural Estate Secondary Plan (Area 26). 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

Variance 1 is requested to permit a proposed detached garage having a gross floor area of 222.96 square metres, whereas the by-law permits a maximum gross floor area of 48 square metres for a 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 given the large size of the estate residential lot. 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 vehicle garage door height of 3.05 metres for the proposed detached garage, whereas the by-law permits a maximum vehicle garage door height of 2.4 metres for a detached garage. Variance 3 is requested to permit a proposed private garage having a height of 6.74 square metres, whereas the by-law permits a maximum height of 4.5 metres 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 4.5 metre 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 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is requested permit a detached garage on the lot with an existing attached garage on the lot, whereas the by-law does not permit an attached garage and detached garage 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. 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 4 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is requested to permit oversized motor vehicles (tractors, including attachments), whereas the by-law does not permit oversized motor vehicles. The intent of the by-law in prohibiting oversized motor vehicles is to ensure that a certain aesthetic quality is maintained for the property and ensuring the property is not operating commercial or industrial works from the property. A condition of approval is recommended that no oversized vehicles shall be stored outside of the garage. Subject to the conditions of approval, Variance 5 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 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 larger lot size, 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 1, 2, 3, 4 and 5 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 to permit storage of oversized vehicles within the garage. 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,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A: Site Photos

